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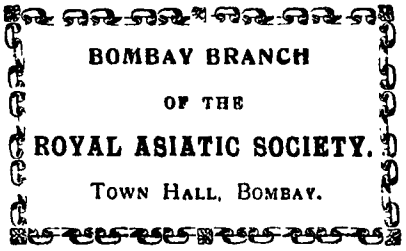

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ANNO REGNI

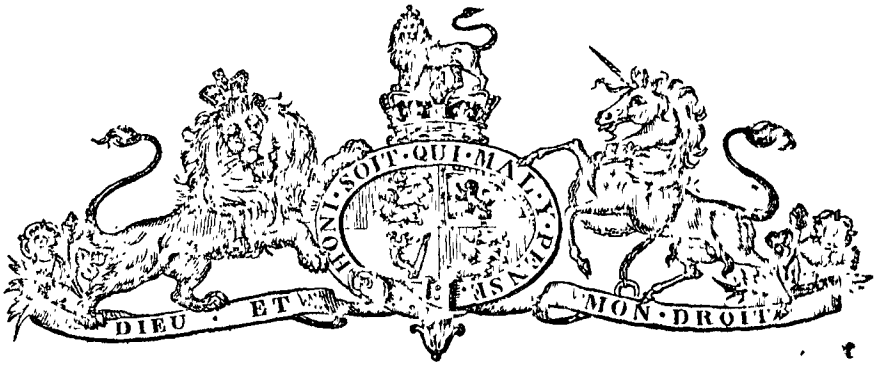
VICTORIÆ,

Britanniarum Reginæ,

SEXTO.

At the Parliament begun and holden at *Westminster*, the Nineteenth Day of *August*, *Anno Domini* 1841, in the Fifth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith:

And from thence continued, by several Prorogations, to the Second Day of *February* 1843; being the THIRD SESSION of the FOURTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.



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1843.

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TABLE

OF THE

STATUTES

Public and Private,

PASSED

Anno Sexto & Septimo

VICTORIÆ *Reginæ:*

BEING

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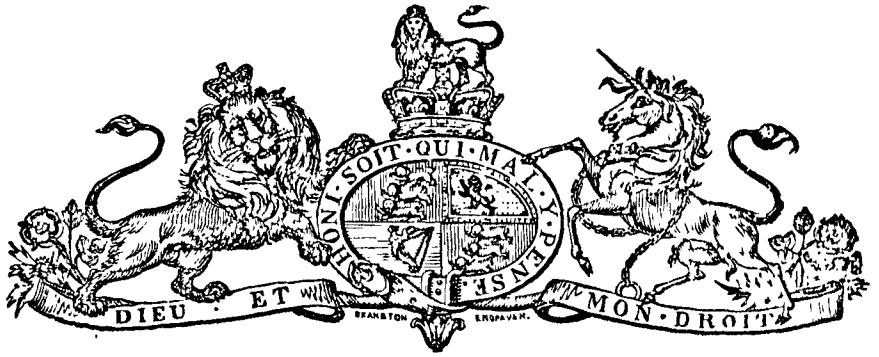

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lxii. An Act to enable the *South-eastern* Railway Company, in conjunction with the *London and Croydon* Railway Company, to make a Railway from the *London and Croydon* Railway to *Swan Street*, near the *Bricklayers Arms* in the *Old Kent Road*, and to provide a new Station there. 1725

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lxvi. An Act for amending and rendering more effectual several Acts for draining and preserving certain Fen Lands and Low Grounds in the *Isle of Ely* and Counties of *Norfolk* and *Suffolk*, near *Mildenhall* River, so far as relates to the several Lands in the Second District therein described; and for extending the Limits of the said Second District. 1941

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lxxv. An Act for enabling the Commissioners for paving and sewering the Town of *Liverpool* more effectually to water the Streets of the said Town, and to provide Water for extinguishing Fires therein. 2425

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lxxix. An Act to make, complete, maintain, and incorporate with the *Monkland and Kirkintilloch* Railway Two improved or additional Lines of Railway; and to alter, amend, enlarge, and repeal the Acts relating to the said Undertaking. 2573

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lxxxvi. An Act to render valid an Act for better raising and securing the Fund for the Relief of Widows and Children of Burgh and Parochial Schoolmasters in *Scotland*. 2797

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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. An Act for inclosing Lands in the Parish of *Littleton* in the County of *Southampton.* 3

2. An Act for confirming a Settlement and Jointure Provision made by the Right Honourable *Thomas William* Earl of *Leicester*, of *Holkham* in the County of *Norfolk*, during his Minority, out of certain entailed Estates in the County of *Norfolk*, in favour of *Juliana Whitbread* Spinster, in contemplation of their Marriage. 33

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31. An Act for naturalizing Dame *Virginie Marie Hesketh Fleetwood*, the Wife of Sir *Peter Hesketh Fleetwood* Baronet.

32. An Act to enable *Henry Caswall* Clerk to exercise his Office of a Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.

33. An Act to dissolve the Marriage of *Nicholas Kendall* Esquire with *Mary Anne* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

34. An Act to dissolve the Marriage of *William Watson* Esquire with the Honorable *Catharine Georgiana* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

35. An Act to declare that certain Persons therein mentioned are not Children of the Most Honourable *George Ferrars* Marquis *Townshend*.

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37. An Act to dissolve the Marriage of *William Oliver Jackson* Esquire with *Georgiana Maria Jane Jackson* his now Wife, and to enable him to marry again; and for other Purposes.

38. An Act for naturalizing *Carl Joachim Hambro*.

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6° & 7° VICTORIÆ.

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S.	Scotland.
I.	Ireland.
E. & I.	England and Ireland.
G. B.	Great Britain.
G. B. & I.	Great Britain and Ireland.
U. K.	The Whole of the United Kingdom.

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ECCLESIASTICAL JURISDICTIONS, for suspending until 1st October 1844 the Operation of the new Arrangement of Dioceses, so far as it affects the existing - - - - -	60.	E.
ELECTION OF MEMBERS OF PARLIAMENT, to regulate certain Proceedings in the - - - - - -	18.	E.
ELECTIONS, to abolish the Roman Catholic Oath as a Qualification for Voters at - - - - - - -	28.	I.
ELECTIONS (CONTROVERTED), to continue until 1st August 1844, &c. 4 & 5 Vict. c. 58. for amending the Law for the Trial of	47.	G.B.&I.
EPISCOPAL FUNCTIONS, to provide for the Performance of, in case of the Incapacity of any Bishop or Archbishop - -	62.	E. & I.
EVIDENCE, for improving the Law of - - -	85.	E.
EXCHEQUER BILLS, raising £9,050,000 - - -	17.	U.K.
——— raising £11,132,100 - - - -	87.	U.K.
EXCHEQUER BILLS, FORGED, to enable Her Majesty to indemnify the Holders of certain - - - - -	1.	U.K.
EXCHEQUER (COURT OF), for the Amendment of the Proceedings and Practice of the Equity Side of the - -	55.	I.
——— for the further Regulation of the Offices of Chief and Second Remembrancer of the - - -	78.	I.

F.

FALKLAND ISLANDS, to enable Her Majesty to provide for the Government of Her Settlements in the - - -	13.	U.K.
FINES, for the better Collection of, and for the Appropriation thereof - - - - - - -	56.	I.
FISHERIES, to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France - -	79.	U.K.
FLAX MANUFACTURES. *See* MANUFACTURES.		
FOREIGN COUNTRIES; to remove Doubts as to the Exercise of Power and Jurisdiction by Her Majesty within divers Countries and Places out of Her Majesty's Dominions, and to render the same more effectual - - -	94.	U.K.
FORGED EXCHEQUER BILLS, to enable Her Majesty to indemnify the Holders of certain - - - -	1.	U.K.
FRAUDS upon Creditors by secret Warrants of Attorney to confess Judgment, to enlarge the Provisions of 3 Geo. IV. c. 39. for preventing - - - - - -	66.	E.
FRENCH, KING OF THE, giving effect to a Convention with, for the Apprehension of certain Offenders - -	75.	U.K.
——— to carry into effect a Convention with, concerning the Fisheries in the Seas between the British Islands and France - - - - -	79.	U.K.

G.

	Cap.	Relating to
GRAND JURY PRESENTMENTS, to amend the Laws in force relating to, in Counties of Cities and Towns - -	32.	I.
——— to amend 19 & 20 Geo. III. (I.) for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same, in certain Cases - -	42.	I.
——— to make further Provision in respect of, in Counties of Cities and Counties of Towns - - -	71.	I.
GREAT BRITAIN. *See* SLAVE TRADE.		
GUNPOWDER and AMMUNITION, to amend and continue for Two Years, &c. the Laws relative to the Importation, Manufacture, and Sale of - - - - -	74.	I.

H.

HACKNEY CARRIAGES in and near London, for regulating -	86.	E.
HADDINGTON, EARL OF. *See* HOLYROOD HOUSE.		
HIGHWAY RATES, to continue, until 1st August 1844, &c., 4 & 5 Vict. c. 59. for authorizing the Application of, to Turnpike Roads - - - - -	59.	E.
HOLYROOD HOUSE, for carrying into effect an Agreement between the Commissioners of Her Majesty's Woods and the Earl of Haddington, for the Purchase and Surrender of the Office of Hereditary Keeper of the Royal Park of, and for other Purposes relating thereto - - - -	64.	S.
HOUSE OF PEERS, to alter the Hours within which certain Oaths and Declarations are to be made and subscribed in the -	6.	U.K.

I.

INDEMNITY ACT, annual - - - - -	9.	U.K.
INQUESTS, CORONERS, for the more convenient holding of -	12.	E.
ISSUES, for the better Collection of, and for the Appropriation thereof - - - - - - -	56.	I.

J.

JUDICIAL COMMITTEE of the PRIVY COUNCIL, to make further Regulations for facilitating the hearing Appeals and other Matters by the - - - - -	38.	U.K.
JUSTICES OF THE PEACE; to empower them to act in certain Cases relating to Rates to which they are chargeable - -	8.	I.

L.

LAND TAX, to amend the Laws relating to - - -	24.	G.B.
LIBEL, to amend the Law respecting - - - -	96.	E. & I.
LIMERICK, for the Completion of a Parochial Church in the Parish of Saint Michael in the City of, and for securing the Nomination of a Perpetual Curate thereto - -	88.	I.
LIMITATION of Actions and Suits relating to Real Property, for extending to Ireland the Provisions not already in force there of 3 & 4 Gul. IV. c. 27. for the; and to explain and amend the said Act - - - - -	54.	E. & I.
LINEN MANUFACTURES. *See* MANUFACTURES.		
LITERARY SOCIETIES, to exempt Land and Buildings occupied by, from County, Borough, Parochial, and other local Rates	36.	G.B. & I.
LITTLE SAINT JAMES' STREET, in the Parish of Saint James Westminster, to empower the Commissioners of Woods to widen and improve - - - - -	19.	E.

	Cap.	Relating to
LOAN SOCIETIES, to continue to 1st August 1844, &c. 3 & 4 Vict. c. 110. to amend the Laws relating to - -	41.	E.
——— (charitable), to consolidate and amend the Laws for the Regulation of - - - - -	91.	I.
LONDON, for regulating Hackney and Stage Carriages in and near - - - - - - -	86.	E.
LONDON AND WESTMINSTER, to discontinue certain Actions under the Provisions of 1 & 2 Gul. IV. c. lxxvi. for regulating the Vend and Delivery of Coals in the Cities of, and in certain Parts of the adjacent Counties - - -	2.	E.

M.

MANDAMUS, WRITS OF, to enable Parties to sue out and prosecute Writs of Error in certain Cases upon the Proceedings on -	67.	E.
MANUFACTURES; to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further securing the Property of the Manufacturers, and the Wages of the Workmen engaged therein - - - - - -	40.	E.
MARINE FORCES (ROYAL), for the Regulation of, while on shore	4.	U.K.
MARRIAGES, for Confirmation of certain, in Ireland - -	39.	I.
MEMBERS OF PARLIAMENT, to regulate certain Proceedings in the Election of - - - - -	18.	E.
MEXICAN REPUBLIC, for carrying into effect the Treaty between Her Majesty and the, for the Abolition of the Traffic in Slaves - - - - - -	51.	U.K.
MILITIA, to suspend until 31st August 1844 the making of Lists and the Ballots and Enrolments for the - -	43.	U.K.
——— annual Act for the Pay, Clothing, &c. of the Militia, and to authorize the Employment of the Non-commissioned Officers - - -	70.	U.K.
MILLBANK, for regulating the Prison at - - -	26.	E.
MINISTERS, to remove Doubts respecting the Admission of, to Benefices in Scotland - - - - - -	61.	S.
MIXTURES AND COMPOUNDS; to reduce the Duty on Spirits in Ireland, and to impose other countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Ireland, England, and Scotland respectively	49.	G.B.& I.
MOHAIR MANUFACTURES. *See* MANUFACTURES.		
MONTSERRAT, for granting Relief to the Island of - -	63.	U.K.
MUNICIPAL CORPORATIONS, to amend 5 & 6 Gul. IV. c. 76. for the Regulation of - - - - -	89.	E.
——— to amend 3 & 4 Vict. c. 108. for the Regulation of -	93.	I.
MUTINY ACT (annual), for the Army - - -	3.	U.K.
——— for the Royal Marine Forces while on shore -	4.	U.K.

N.

NEVIS, for granting Relief to the Island of - - -	63.	U.K.
NORFOLK ISLAND, to amend so much of 5 & 6 Vict. c. 76. as relates to - - - - - - -	35.	U.K.
NOTARIES (PUBLIC), removing Doubts as to the Service of Clerks or Apprentices to, and for amending the Laws regulating the Admission of Public Notaries - - -	90.	U.K.

O.

	Cap.	Relating to
OATHS; to alter the Hours within which certain Oaths and Declarations are to be made and subscribed in the House of Peers - - - - -	6.	U.K.
——— to abolish the Roman Catholic Oath as a Qualification for Voters at Elections - - - -	28.	I.
OFFENDERS, for the better Apprehension of certain - -	34.	U.K.
——— for giving effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain - - - -	75.	U.K.
——— for giving effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain - - - -	76.	U.K.
OFFICES AND EMPLOYMENTS, annual Indemnity Act for Persons neglecting to qualify for - - - -	9.	U.K.
OUT-PENSIONERS OF CHELSEA HOSPITAL; for rendering more effective the Services of such of them as shall be called out to assist in preserving the Public Peace - - -	95.	U.K.

P.

PARDONS, to amend the Law affecting transported Convicts with respect to - - - - - -	7.	U.K.
PARISHES (POPULOUS), to make better Provision for the Spiritual Care of - - - - - -	37.	E.
PARLIAMENT. *See* ELECTION. ELECTIONS. ELECTIONS (CONTROVERTED). MEMBERS OF PARLIAMENT. OATHS.		
PAROCHIAL RATES, to exempt Land and Buildings occupied by Scientific or Literary Societies from - - -	36.	G.B. & I.
PEERS (HOUSE OF), to alter the Hours within which certain Oaths and Declarations are to be made and subscribed in -	6.	U.K.
PENALTIES, for the better Collection of, and for the Appropriation thereof - - - - -	56.	I.
POOR, to continue the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor - -	48.	E.
——— for the further Amendment of 1 & 2 Vict. c. 56. and 2 & 3 Vict. c. 1. for the more effectual Relief of the destitute Poor - - - -	92.	I.
PORTUGAL, for carrying into effect the Treaty between Her Majesty and the Queen of, for the Suppression of the Traffic in Slaves - - - - - -	53.	U.K.
POUND-BREACH AND RESCUE, to amend the Law relating to, in certain Cases - - - - -	30.	E.
PRESENTMENTS. *See* GRAND JURY PRESENTMENTS.		
PRIVY COUNCIL, to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the - - - - -	38.	U.K.
PROMISSORY NOTES, to continue, until 1st January 1846, 2 & 3 Vict. c. 37. for exempting certain, from the Operation of the Laws relating to Usury - - - -	45.	U.K.
PROPERTY TAX; to amend the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices - - - - - -	24.	G.
PRUSSIA. *See* SLAVE TRADE.		
PUBLIC NOTARIES. *See* NOTARIES.		
PUBLIC WORKS, to amend the Acts for carrying on - -	44.	I.
PUNISHMENT OF DEATH. *See* DEATH (PUNISHMENT OF).		

	Cap.	Relating to
TURNPIKE ROADS, to continue until 31st July 1844, &c. the several Acts for regulating - - - - -	21.	I.
——— to continue until 1st August 1844, &c. 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to - - - - -	59.	E.

U.

UNITED STATES OF AMERICA, giving effect to a Treaty with, for the Apprehension of certain Offenders - - -	76.	U.K.
URUGUAY, for carrying into effect the Treaty with the Oriental Republic of the, for the Abolition of the Slave Trade -	16.	U.K.
USURY, to continue, until 1st January 1846, 2 & 3 Vict. c. 37. for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to - -	45.	U.K.

V.

VOTING, to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of - -	18.	E.

See also ROMAN CATHOLIC OATH.

W.

WAGES; for further securing the Wages of the Workmen engaged in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures - - -	40.	E.
WALES, for regulating the Cathedral Churches of - -	77.	W.
WARRANTS OF ATTORNEY to confess Judgment, to enlarge the Provisions of 3 Geo. IV. c. 39. for preventing Frauds upon Creditors by secret - - - - -	66.	E.
WEST INDIES, amending 6 & 7 Vict. c. 63. for granting Relief to certain Islands in the - - - - -	87.	U.K.
WHEAT AND WHEAT FLOUR, the Produce of Canada, imported thence into the United Kingdom, reducing the Duty on -	29.	U.K.
WITNESSES, to indemnify, who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of Sudbury from sending Burgesses to serve in Parliament - - - -	11.	E.
——— amending the Law relating to Commissions for the Examination of - - - - -	82.	G.B. & I.
WOODS, Commissioners of, empowered to appropriate to Building Purposes the Area of Thatched House Court, and to widen and improve Little Saint James' Street, in the Parish of Saint James Westminster -	19.	E.
——— for carrying into effect an Agreement between the Commissioners and the Earl of Haddington, for the Purchase and Surrender of the Office of Hereditary Keeper of the Royal Park of Holyrood House, and for other Purposes relating thereto -	64.	S.

WOOLLEN MANUFACTURES. *See* MANUFACTURES.
WORSTED MANUFACTURES. *See* MANUFACTURES.
WRITS OF ERROR. *See* MANDAMUS.

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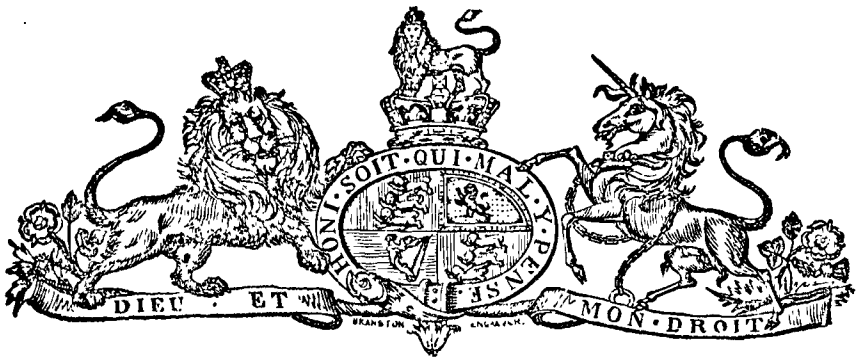

ANNO SEXTO

VICTORIÆ REGINÆ.

****

CAP. I.

An Act to enable Her Majesty to indemnify the Holders of certain forged Exchequer Bills.

[3d *March* 1843.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for appointing Commissioners to inquire into the Issue, Receipt, Circulation, and Possession of certain forged Exchequer Bills*, the Right Honourable *William* Earl of *Devon*, *Henry John Stephen* Esquire, Serjeant at Law, and *Robert Mitford* Esquire, were constituted Commissioners of Inquiry into the Manner in which certain Documents purporting to be Exchequer Bills were made and issued, and in which the same came into the Possession of the Parties by whom they were then holden, and the said Commissioners were directed to report from Time to Time to Her Majesty what they should find with respect to the several Matters into which they were directed by the said Act of Parliament to inquire: And whereas the said Commissioners have made their Report to Her Majesty bearing Date the Second Day of *August* in the Year One thousand eight hundred and forty-two, wherein they have classified the Holders of the said Documents under Four Classes, according to the Degree in which the Parties appeared to them to have become possessed thereof in the usual Course of Business, without Knowledge or Suspicion that they were other than genuine, 5 & 6 Vict. c. 11.

genuine, or had been improperly obtained by any Person whatever, and according to the Degree in which they appeared to have acted with proper Caution: And whereas it is expedient to make Provision for enabling Her Majesty to indemnify such of the Holders of the said Documents as appear entitled to Her Majesty's Consideration, and that Her Majesty should be empowered to direct Exchequer Bills to be issued to such Parties, under the Regulations herein-after contained: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and sixty-two thousand Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the last Session of Parliament, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

Treasury may raise 262,000*l.* by Exchequer Bills.

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses in recited Acts extended to this Act.

II. And be it enacted, That all the Clauses of the said Acts shall be applied to the Exchequer Bills to be made out in pursuance of this Act as fully as if the said several Clauses had been herein particularly re-enacted.

Bills to be payable out of Supplies of next Session.

III. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills to be current at the Exchequer after Twelve Calendar Months from their Dates.

V. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall after Twelve Calendar Months from their respective Dates be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable or which shall hereafter be granted or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England*, to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons,

Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VI. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to issue from Time to Time to the several Persons named in the Schedule marked (A.) annexed to this Act, upon Application of such Persons severally, or of some Person duly authorized in their Behalf, Exchequer Bills to be made out in pursuance of this Act, in Value not exceeding in each Case the Amount set against the Name of each such Person in the said Schedule respectively: Provided always, that every such Applicant shall produce and deliver to the said Commissioners a Certificate under the Hand of the Comptroller of the Exchequer that the several Documents specified in the first-mentioned Act of the last Session of Parliament, and set opposite to the Name of such Applicant in the Schedule annexed to this Act, have been deposited in the Office of the Exchequer. The Treasury to apply the Money raised.

VII. And be it enacted, That the Attorney General shall be entitled, in the Name of Her Majesty, to sue for and recover the Amount for which any such forged Exchequer Bill purported to have been issued from any Person who was at any Time possessed thereof, and through whom, mediately or immediately, the Possession thereof came to the Applicant so indemnified; and in such Suit it shall not be necessary to give any Evidence, except for proving that the Party sued was one through whom the Possession of such forged Exchequer Bill came to the Person indemnified as aforesaid: Provided always, that any Person so sued shall be entitled in such Suit to plead any Matters which would have been a valid Defence in case the Suit had been brought against him or her by the Party who immediately received such forged Exchequer Bill from him or her. The Attorney General may sue for the Amount from any previous Holder.

VIII. And be it enacted, That all Monies so recovered shall be paid into the Bank of *England* to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. As to Monies recovered.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended.

SCHEDULE (A.) referred to in the foregoing Act.

Name of Party.	Numbers of the Bills.	Act.	Amount.
			£
Anderson, Major James	N° 7,065 8,284 8,388 @ 8,400	4 Vic. c. 19. 3 & 4 Vic. c. 106. 3 & 4 Vic. c. 106.	15,000
Bank of England	N° 8,278 @ 8,282 8,374 @ 8,376	3 & 4 Vic. c. 106.	8,000
Barnewall, Henry, Esq.	N° 7,086	4 Vic. c. 19.	1,000
Bell and Steward, Messrs.	N° 6,495 @ 6,497	4 Vic. c. 19.	3,000
Blake, John, Esq.	N° 8,380	3 & 4 Vic. c. 106.	1,000
Boys, Mr. Thomas	N° 7,102	4 Vic. c. 19.	1,000
Browne, Mr. Thomas	N° 8,381 @ 8,382	3 & 4 Vic. c. 106.	2,000
Clapcott, George Bunter, Esq.	N° 7,052 @ 7,056	4 Vic. c. 19.	5,000
Commercial Bank of London	N° 7,103 8,364 @ 8,368 8,370 @ 8,373	4 Vic. c. 19. 3 & 4 Vic. c. 106.	10,000
Coutts and Co., Messrs.	N° 6,414 6,424 @ 6,432 6,446 @ 6,459 6,465 @ 6,473 6,489 @ 6,492 7,094 @ 7,095	4 Vic. c. 19.	39,000
Currie and Co., Messrs., and Mr. Henry Currie	N° 7,057 @ 7,064 8,445 @ 8,446	4 Vic. c. 19. 3 & 4 Vic. c. 106.	10,000
Dobson, Mr. William	N° 8,274 8,369	3 & 4 Vic. c. 106.	2,000
Henriques, David Neves, Esq.	N° 8,283	3 & 4 Vic. c. 106.	1,000
Hichens and Harrison, Messrs. R. and W.	N° 7,067 7,069 7,071 7,097 8,411 8,463 8,304 @ 8,306	4 Vic. c. 19. 3 & 4 Vic. c. 106.	9,000
Hoare, Messrs.	N° 7,070 7,098 8,379 8,385 8,406 8,412 @ 8,416 8,429 @ 8,436 8,457 @ 8,462	4 Vic. c. 19. 3 & 4 Vic. c. 106.	24,000
London Joint Stock Bank	N° 6,434 @ 6,443 8,401 @ 8,402 8,404 @ 8,405 8,407 @ 8,410	4 Vic. c. 19. 3 & 4 Vic. c. 106.	18,000
Margrave, Thomas Jones, Esq.	N° 8,403	3 & 4 Vic. c. 106.	1,000
Maynard, Henry, Esq.	N° 7,073	4 Vic. c. 19.	1,000

Name of Party.	Numbers of the Bills.	Act.	Amount.
			£
Nash, Zachary, Esq. - - -	N° 7,076 - - 7,082 - -	4 Vic. c. 19. -	2,000
Price and Co., Messrs. - - -	N° 7,096 - - 7,910 @ 7,930 8,386 @ 8,387 8,470 @ 8,471	4 Vic. c. 19. - 3 & 4 Vic. c. 106.	26,000
Ransom and Co., Messrs. - - -	N° 8,285 @ 8,299 8,464 @ 8,469	3 & 4 Vic. c. 106.	21,000
Shaw, Sir James, Bart. - - -	N° 7,077 @ 7,081 8,271 @ 8,273 8,300 @ 8,303 8,314 @ 8,318 8,354 @ 8,363 8,442 @ 8,444 8,447 @ 8,456	4 Vic. c. 19. 3 & 4 Vic. c. 106.	40,000
Sherman, Mr. Edward - - -	N° 6,474 @ 6,488	4 Vic. c. 19. -	15,000
Vickery, Joseph Paice, Esq. - -	N° 6,416 @ 6,420	4 Vic. c. 19. -	5,000
Wolfe, Brothers, and Co., Messrs. - -	N° 8,307 - - 8,308 - -	3 & 4 Vic. c. 106.	2,000

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1

ANNO SEXTO

VICTORIÆ REGINÆ.

****

CAP. II.

An Act to discontinue certain Actions under the Provisions of an Act of the Second Year of King *William* the Fourth, for regulating the Vend and Delivery of Coals in the Cities of *London* and *Westminster*, and in certain Parts of the adjacent Counties. [3d *March* 1843.]

WHEREAS by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Vend and Delivery of Coals in the Cities of* London *and* Westminster, *and in certain Parts of the Counties of* Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, *and* Berkshire, it was amongst other things enacted, that every Fitter or other Person vending or delivering Coals for the Port of *London* should send, in a Letter directed to the Clerk of the Coal Market, and put into the General Post Office on the Day on which the Ship or Vessel containing any Coals should sail on any such Voyage, or should give to the Shipmaster of such Ship or Vessel before the same should sail on every or any such Voyage, a Certificate, signed by such Fitter, containing the Day of the Month and Year of such loading, the Master's and

1 & 2 W. 4. c. lxxvi.

Ship's Names, and the Quantity of Tons, and the usual Names of the several and respective Collieries out of which the said Coals were and should be wrought and gotten, and the Price paid by the Master or Masters for each and every Sort of Coals that each and every Fitter or other Person vending or delivering Coals as aforesaid, his or their Agent or Servant, had sold and loaded on board each and every Ship or Vessel; and in case any Person or Persons should omit or refuse to give such Certificate as aforesaid, or should give or make any false Certificate, every Person so offending should for every such Offence forfeit and pay the Sum of One hundred Pounds: And whereas by the said Act the said Penalty and Forfeiture is made recoverable in manner in the said Act directed: And whereas divers Fitters and other Persons have inadvertently omitted to comply with the aforesaid Provision of the said Act, and many Actions, Bills, Plaints, and Informations have been brought and may be commenced against such Fitters and other Persons, or some of them, by Persons who sue, inform, and prosecute, as well on their own Behalf as on behalf of Her Majesty, to recover various Penalties incurred or alleged to have been incurred under or by virtue of the said Act, by reason of such Neglect; and it is expedient that all further Proceedings in such Actions, Bills, Plaints, and Informations should be prevented: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted for the Recovery of any pecuniary Penalty or Penalties incurred on or before the Day of the passing of this Act, under the aforesaid Provision of the said Act, for not inserting in the Fitter's Certificate the usual Names of the several and respective Collieries out of which the said Coals should be wrought and gotten, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts at *Westminster*, for an Order that such Action, Bill, Plaint, or Information shall be discontinued upon Payment of the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Form of such Court; and every such Court or Judge is hereby authorized and required, upon such Application, to make such Order as aforesaid, and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued: Provided always, that if it shall be made to appear to the said Court or Judge, by Affidavit or otherwise, that any Penalty or Penalties sought to be recovered in any such Action, Bill, Plaint, or Information has been incurred by the Fraud of the Defendant or Defendants in such Action, Bill, Plaint, or Information, then and in every such Case it shall be lawful for such Court or Judge to refuse to make such Order as to such Penalty or Penalties, and thereupon to make such other Order as to the said Court or Judge shall seem expedient.

Actions and Informations to be discontinued, upon Application to Courts of Law.

Proviso as to Penalties incurred by Fraud.

II. And

II. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. III.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [3d *April* 1843.]

WHEREAS the raising or keeping a standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred thousand eight hundred and forty-six Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers and according to the known and established Laws of this Realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned

Number of the Forces.

mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall, be listed or in Pay as a Non-commissioned Officer or Soldier, shall at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable by Death.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the

The ordinary Course of Law not to be interfered with.

United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London;* provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

Soldiers not to be taken away from the Service for Debts under 30*l.*

III. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, or (except in the Case of an Apprentice) on account of any Breach of Contract, or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be indorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

The Queen may make Articles of War in conformity with this Act.

IV. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles,

Isles, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Constitution of Courts-martial.

V. And be it enacted, That Her Majesty may from Time to Time grant a Commission under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles of War to Justice it shall be lawful for Her Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant Her Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British* Isles as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of General Courts-martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in

in any public Prison, or other Place which the Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or if in the *East Indies*, to the Officer commanding as aforesaid.

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of

Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Regimental Courts martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment including the solitary Part thereof shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

XI. And

Forfeiture of Pay and Pension by Desertion; and marking a Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Soldier convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service.

Powers of a Detachment Court-martial.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Mixture of Officers upon Courts-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of Her Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of Her Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of Her Majesty's Land Forces and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly

of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in Her Majesty's Land Forces, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and that on the Trial of any Person belonging to Her Majesty's Marine Forces, the Provisions of an Act passed in the present Session of Parliament for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

Power to administer Oaths.

XIV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same.

Proceedings of Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses

so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

Appeal.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Report of Proceedings of General, District, or Garrison Courts-martial.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Transportation from the United Kingdom.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon

thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning, or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Transportation from the Colonies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding in chief Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the

the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

Offences against former Mutiny Acts may be tried under this Act.

XX. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Apprehension of Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such

Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters, or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment.

Fraudulent Confession of Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; and in case such Person shall

not be a Deserter from the Regiment stated in such Confession he shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Recruits deserting liable to be transferred to the nearest Regiment or Depôt.

XXIV. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, nor to any other Penalty except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Penalty for inducing or assisting to desert.

XXV. And be it enacted, That every Person who shall, in any Part of Her Majesty's Dominions, directly or indirectly persuade any Soldier to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Twenty Pounds.

XXVI. And

XXVI. And be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds. Penalty for forcible Entry.

XXVII. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment awarded by the Sentence of the Court, reckoned from the Date when the Proceedings of the Court-martial shall have been signed by the President; and the said Gaoler shall keep such Soldier in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, either for the whole Time specified in the said Order, or for any Part thereof; and such Gaoler shall deliver up such Prisoner at any Period of his Imprisonment to the Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid, either for his Discharge, or in order that the Prisoner may be removed, in Military Custody, to undergo the Remainder of his Sentence, to such other Gaol or Military Prison or other Place of Confinement as such Commanding Officer may direct, provided that the Time of Imprisonment on Removal from one Gaol to another, or while in Custody for any intermediate Period, shall be reckoned as Part of the original Period of Imprisonment for which such Soldier shall have been sentenced; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Gaoler or Keeper of any Prison or Lock-up House shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Troops or Detachment to which the Soldier belongs; and any Gaoler or Keeper of any Place of Imprisonment, who shall refuse to receive and to confine or to deliver up any Soldier in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds. Custody of Offenders under a Military Sentence.

XXVIII. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of One of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Soldier convicted by a Court-martial may be sent by Order of any Commanding Officer of a District, Garrison, Regiment, or Corps to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose. One Pentagon in the Penitentiary at Millbank to be appropriated as a Prison for Military Offenders.

XXIX. And

Powers and Duties of the Person to be appointed Superintendent of said Pentagon.

XXIX. And be it enacted, That the Person who shall for the Time be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the said Pentagon shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Soldiers confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers thereof, and to the Soldiers confined therein: Provided always, that nothing herein contained shall prevent any Soldier confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

Custody and Subsistence of Deserters.

XXX. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of Her Majesty's Dominions shall diet and supply every Soldier with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War.

Persons subject to this Act.

XXXII. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such

such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces, at home or abroad, under the Command of any Officer having Commission from Her Majesty, or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Foreign Troops in this Country.

XXXIII. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be liable to Martial Law in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland* although not allowed to serve therein, all the Provisions of this Act in regard to billetting Soldiers shall apply to such Officers and Soldiers.

Militia and Yeomanry.

XXXIV. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Act to extend to Jersey, Guernsey, &c.

XXXV. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, and also as to

the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting, or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer or on account of any Debts under Thirty Pounds in the said Islands.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit; and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall within Four Days (any intervening *Sunday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

XXXVII. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent

to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name

Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned in any Prison or House of Correction for any Period not exceeding Six Months, and with or without hard Labour; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

to

to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on Officers offending against Laws regarding Enlistment.

XXXIX. And be it enacted, That every Military Officer, who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits of Her Majesty's Service or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

XL. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting, abroad; be it therefore enacted, That it shall be lawful for any Person duly appointed by Her Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the

Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

Enlistment of Negroes.

XLI. And be it enacted, That all Negroes purchased by or on account of Her Majesty, and serving in any of Her Majesty's Forces, shall be considered as Soldiers having voluntarily enlisted in Her Majesty's Service; provided that nothing contained in this Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

XLII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Claims of Masters to Apprentices.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate

or Declaration such Justice of the Peace is hereby required to indorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of Apprentices enlisting.

XLIV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and Penalty on false Musters.

XLV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing

signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Forfeiture of Pay.

XLVI. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or a Criminal Court, or by reason of any Arrest for Debt or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence; provided that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining Her Majesty's Service from being a Prisoner of War due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of

of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Extension of Furlough in case of Sickness.

XLVII. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching Money on Discharge.

XLVIII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Commissaries to attest their Accounts.

XLIX. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Issue of Pay of the Army.

L. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-three, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her

Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Penalty for Disobedience by Agents.

LI. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the first Offence forfeit the Sum of One hundred Pounds; and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

How and where Troops may be billetted.

LII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any

Warrant or Billetting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in any One House, except only in case of billetting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billetted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billetted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billetted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billetted in pursuance of this Act, the Men and their Horses shall be billetted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billetted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within

6 Anne. (I.)

within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billetted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billetted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billetted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billetted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billetted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billetted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billetted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billetting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables together with the Names of the Persons upon whom such Officers and Soldiers are billetted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

LIII. And

Billetting the Guards in and near Westminster.

LIII. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billetted within the City and Liberties of *Westminster*, and Places adjacent lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billetting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billetted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billetting.

LIV. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billetting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LV. And be it enacted, That the Innholder or other Person on whom any Soldier is billetted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billetted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder

or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billetted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the Average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billetted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billetting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets,

Powers and Regulations as to Billets.

Hamlets, Parishes, and Places in *England* and *Ireland*, who shall act in the Execution of this Act in relation to billetting; and all Provisions for billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such. Exemptions from Billets.

LVII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage in their Marches, in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Supply of Carriages.

all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LVIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight, loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the Average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper, and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages; and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred

dred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England;* provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LIX. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by

this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LXI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits marching by Route, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; and any Toll Collector who shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service when conveying Persons or Baggage under the Provisions of this Act, every such Toll Collector shall forfeit and pay any Sum not

exceeding

exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXIII. And be it enacted, That when any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXIV. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billetting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on

on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon the Military so offending.

LXV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by one of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell, any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks

Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty if not exceeding Twenty Pounds to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalty on unlawful recruiting.

LXVII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia,

or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on trafficking in Commissions.

LXVIII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negociate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negociate or receive, for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on killing Game.

LXIX. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LXX. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Mode of recording a Soldier's Settlement.

LXXI. And be it enacted, That any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billetted, may summon such Soldier before him in the Place where he is billetted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

LXXII. And

Notification to Parishes of good or bad Conduct of Soldiers.

LXXII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Wages of a Servant enlisting.

LXXIII. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Licences of Canteens.

LXXIV. And be it enacted, That when any Persons shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

LXXV. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Form of Actions at Law.

LXXVI. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member

or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

LXXVII. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His 3 G. 4. c. 23. Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act passed in the Fifth Year of the Reign of His Majesty 5 G. 4. c. 18. King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied, in *Scotland*, for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXVIII. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London* or *Dublin*, as the Case may be, to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge

5 & 6 W. 4. c. 76.

any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Administration of Oaths.

LXXIX. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Perjury.

Duration of the Act.

LXXX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-three inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and forty-four; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-three inclusive until the First Day of *May* One thousand eight hundred and forty-four; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and forty-three inclusive until the First Day of *August* One thousand eight hundred and forty-four; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and forty-three inclusive to the First Day of *September* One thousand eight hundred and forty-four, and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and forty-four inclusive to the First Day of *January* One thousand eight hundred and forty-five; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and forty-five inclusive to the First Day of *February* One thousand eight hundred and forty-six: Provided that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

Alteration of the Act.

LXXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court, until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

FORM of OATH of a JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT.

Enlisting for unlimited Service.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?

8. Are

8. Are you willing to be attested to serve in the Regiment of until you shall legally be discharged?
9. On what Day, at what Hour, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy?
13. Have you ever served in the Army, Marines, Ordnance, or Navy, or have you ever been rejected as unfit for Her Majesty's Service upon any prior Enlistment?

Note.—The Justice is directed in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for unlimited Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of until you shall be duly and legally discharged?

Enlisting for limited Service.

The preceding Questions to be put by the Justice, except Question 8., which is to be as follows:

8. Are you willing to be attested to serve in the Regiment of for the Period of [*this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,*] Years, provided Her Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of Her Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be,*] Years?

Enlisting for either Her Majesty's or the East India *Company's Service.*

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the *East India* Company, according as Her Majesty shall think fit to order, until you shall be duly and legally discharged?

Enlisting

Enlisting for the East India *Company's Service.*

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the *East India* Company until you shall be legally discharged? [*Or, if the Recruit enlist for limited Service then insert,* for the Period of Twelve Years, (*if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,*) provided the said Company should so long require your Service?]

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand

_____ Signature of Recruit.

_____ Witness present.

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice _____

If enlisting for either Her Majesty's or the East India *Company's Service, the following Addition is to be made to the foregoing Oath.*

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the *East India* Company, then I swear, that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If

If enlisting for the East India *Company's Service, the following is to be added to the Oath:*

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches
Complexion,
Eyes,
Hair,

Any distinctive Mark.

to wit. } I one of Her Majesty's Justices of the Peace of do hereby certify, That the above is the Description of the Recruit and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the First and Second Articles of the Second Section of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate, signed with my Name

Signature of Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Money or Stores or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named }
this Day of }

Justice of the Peace of
, or *Commander in Chief*, or *Second in Command*, et cætera, *the Army serving in* et cætera, [*as the Case may be*].

No. .

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Regiment of .

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
† Name and Occupation and Address of the Person by whom apprehended	
† Particulars in the Evidence on which the Prisoner is committed - -	
† Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter - -	
† Whether the Prisoner confessed before the Magistrate that he is a Deserter	

† It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

———— *Signature and Address of Magistrate.*

———— *Signature of Prisoner.*

———— *Signature of Informant.*

* Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him * for Military Service.

———— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

* Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

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ANNO SEXTO

VICTORIÆ REGINÆ.

****

CAP. IV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[3d *April* 1843.]

WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in Her Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on shore, or sent to do Duty or be on board Transport Ships, or Merchant Ships or Vessels, or Ships or Vessels of Her Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb or subjected in Time of Peace to any Kind of Punishment within this Realm by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of

any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-three if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any other Place, or while being in any Circumstances in which he shall not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable by Death.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for

The ordinary Course of Law not to be interfered with.

that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering.

Marines not to be taken away from the Service for Debts under 30*l.*

III. And be it enacted, That no Person enlisted in Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate or other Process for not supporting or for leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children, nor, except in the Case of an Apprentice, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of Her Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action: Provided always, that any Plaintiff, upon Notice in Writing of the Cause of Action to be first given to any Marine, or left with the Adjutant of the Division to which he shall belong, may, in case no Appearance shall be entered in due Time, file a Common Appearance for him in any Action brought for the Recovery of a Debt, and may proceed therein to Judgment and Outlawry, and may have Execution thereon other than against the Body of the Defendant.

Lord High Admiral, &c. may make Articles for the Punishment of

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under

Mutiny, Desertion, &c.

under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad: Provided always, that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British* Isles shall be subject by such Rules and Articles to be transported as a Felon or to suffer any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

VI. And

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies excepted,) or in the Settlements of the *East India* Company, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies), shall have not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Courts-martial to administer Oaths.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority as is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat.

Proceedings of Courts-martial.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

IX. And whereas it may be expedient in many Cases that Officers of the Land Forces should be associated with Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces;

and the Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service.

General Courts-martial may sentence Offenders to Imprisonment, &c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court, or the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom, or the Officer commanding the Division or Detachment to which the Offender belongs or is attached, shall appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay and Pension on Discharge which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines

below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court, or the Commissioners aforesaid, or the Officer commanding the Division or Detachment to which the Offender belongs or is attached, shall appoint, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the aforegoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such District or Garrison Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XII. And

If no Superior Officer of Land Forces is present in command of a District, &c. an Officer of Marines may convene a Court-martial.

XII. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer, for any of the afore-mentioned Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act afore mentioned, for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

Divisional Courts-martial.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of any Offences committed on the Line of March, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement not exceeding Twenty Days: Provided also, that when the Imprisonment so to be adjudged shall be Part solitary and Part otherwise, the whole Period, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Divisional Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay, for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

Detachment Courts-martial.

XIV. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have

have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the General commanding in chief the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Marking a Deserter.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any other Punishment which such Court may award; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Marine convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service.

Trial and Punishment for Embezzlement.

XVI. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misappplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service with Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to Her Majesty.

Witnesses.

XVII. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person

appointed to officiate as such, or by the President of a General, District, Garrison, or Divisional Court-martial, or by the Adjutant at the Head Quarters of the Division at which any such Court shall be appointed to be held, to give Evidence on any Court-martial, shall during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody by the Order of the Court out of which the Writ or Process for such Arrest was issued, and if such Court shall not be then sitting, then by the Order of any Judge or Baron of the Courts at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of Queen's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law, or elsewhere, in the same Manner as Persons disobeying the Subpœna to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

Transportation of Offenders.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed by a General Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein-before provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same as they would be if the same had been made under

the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in His or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Disposal of Convict after Sentence of Transportation.

XIX. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported, as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be conveyed to the nearest Ship for the Reception of Convicts, or if there shall be no such Ship in the Neighbourhood of the Division, then to the Gaol of the County in which such Division shall be stationed, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Superintendent or Chief Officer of the Convict Ship, or the Sheriff or the Keeper of the Gaol of the County, as the Case may be, to receive and detain him: Provided always, that in case of any such Offender being so conveyed to the Gaol of the County, the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division upon Production to him by the said Keeper of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days

Days during which the Offender shall have been so detained and subsisted in such Gaol.

Imprisonment of Offenders.

XX. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Marine under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Commanding Officer of the Division to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment awarded by the Sentence of the Court, reckoned from the Date when the Proceedings of the Court-martial shall have been signed by the President; and the said Gaoler shall keep such Marine in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, either for the whole Time specified in the said Order, or for any Part thereof; and such Gaoler shall deliver up such Prisoner, at any Period of his Imprisonment, to the Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid, either for his Discharge, or in order that the Prisoner may be removed in Military Custody, to undergo the Remainder of his Sentence, to such other Gaol or Military Prison or other Place of Confinement as such Commanding Officer may direct, provided that the Time of Imprisonment, on Removal from one Gaol to another, or while in Custody for any intermediate Period, shall be reckoned as Part of the original Period of Imprisonment for which such Marine shall have been sentenced; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Gaoler or Keeper of any Prison or Lock-up House shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Detachment to which the Marine belongs; and any Gaoler or Keeper of any Place of Imprisonment, who shall refuse to receive and to confine or to deliver up any Marine in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

One Pentagon in the Penitentiary at Millbank to be appropriated as a Prison for Marine Offenders.

XXI. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of one of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Marine convicted by a Court-martial may be sent by Order of the Commissioners for executing the Office of Lord High Admiral to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

Powers and Duties of the Person to be appointed

XXII. And be it enacted, That the Person who shall for the Time be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the same Pentagon shall be deemed to

to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Marines confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers thereof, and to the Marines confined therein: Provided always, that nothing herein contained shall prevent any Marine confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

Superintendent of said Pentagon.

XXIII. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act, either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody and shall confine, pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly herein-before provided.

Place of Confinement of Offenders may be changed.

XXIV. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence

Offenders against former Mutiny Acts may be tried under this Act.

Limitation as to Time.

against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Appeal.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Case of an Appeal from a Divisional to a General Court-martial against a Conviction; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Revision of Sentence.

Forfeiture of Pay.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, it shall be lawful for such Officer, if he shall think fit, in addition to such other Punishment as he has Authority to inflict, to deprive any such Marine of his Pay for the Days on which he shall have been so absent, and thereupon such Pay shall be forfeited; in which Case such Marine shall not be liable to be afterwards tried by a Court-martial for such Absence: Provided always, that any Marine so deprived of his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed, with the Authority and Consent of the Commissioners for executing the Office of Lord High Admiral, but not otherwise, to receive the Arrears of Pay, and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his

Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the said Commissioners to receive the Whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent; and provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid.

Report of Proceedings of Courts-martial.

XXVII. And be it enacted, That every Judge Advocate, or Person officiating as such, at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same according to the Length thereof; provided that such Application as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXVIII. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence at his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

Apprehension of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a De-

a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient Public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same; or if such Deserter shall be apprehended by any Soldier or Party of Soldiers of his own or any other Corps, or shall be apprehended in the Vicinity of the Head Quarters of the Corps to which he shall belong, then such Justice shall deliver such Deserter to the Party of his Corps, or may order him to be taken to the Head Quarters of the Corps, instead of committing him to Prison: Provided always, that no Fee or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, notify the Fact to the said Secretary, and transmit also to the said Secretary a Copy of the Commitment.

Fraudulent Confession of Desertion.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; and in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall be liable to be punished as a Rogue and Vagabond, by summary Conviction before any Justice of the Peace, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by

by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with as a Deserter.

Reward for apprehending Marines attempting to desert.

XXXI. And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions of Royal Marines, for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such Parties to be diligent and active in their Duty in this Behalf; be it therefore enacted, That for and in respect of every Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Penalty for inducing or assisting to desert.

XXXII. And be it enacted, That every Person who shall in any Part of Her Majesty's Dominions directly or indirectly persuade any Marine to desert, or shall assist any Deserter from Her Majesty's Royal Marine Service in deserting, or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Custody and Subsistence of Deserters.

XXXIII. And be it enacted, That the Gaoler or other Person having the immediate Superintendence of any Prison, Gaol, or House

of Correction shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing to the Secretary of the Admiralty, signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXIV. And be it enacted, That every Gaoler having Notice that any Person in his Custody is a Marine, liable to serve Her Majesty, shall, previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Penalty for forcible Entry.

XXXV. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that

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it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

XXXVII. And be it enacted, That any Recruit appearing within Four Days as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge

discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXVIII. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Punishment of Apprentices enlisting.

XXXIX. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in Her Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, he may be apprehended as a Deserter from Her Majesty's Marine Forces.

Offences connected with Enlistment.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice,

a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity upon being attested, or designedly made any false Representation, to adjudge such Person, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned in any Prison or House of Correction for any Period not exceeding Six Months, and with or without hard Labour; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting

Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Yearly Servants enlisting to be entitled to a Proportion of their Wages.

XLI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly,

accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Penalty on Officers offending as to Enlistment.

XLII. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act, in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Claims of Masters to Apprentices.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Musters, and Penalty on false Musters.

XLIV. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine

Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of Muster Rolls.

XLV. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Extension of Furlough in case of Sickness.

XLVI. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing hereincontained shall be construed to exempt any Marine from Trial and Punishment according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

XLVII. And

Marching Money on Discharge.

XLVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Billetting of Marines.

XLVIII. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore; be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by Her Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billetted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billetted in pursuance of this Act the Officers and their Horses shall be billetted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billetted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billetted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Marines are billetted, such Justices

respectively shall have Power to order such of the Marines to be removed and to be billetted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billetted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billetted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billetting Marines it shall be lawful for any Justice, within his Jurisdiction by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billetted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh:* Provided always, that no Justice being an Officer of Royal Marines, shall directly or indirectly be concerned in billetting or appointing Quarters under this Act.

Allowance to Innkeepers.

XLIX. And be it enacted, That the Innholder or other Person on whom any Marine is billetted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billetted in *England* (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such

Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Half-penny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billetted, in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive, or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then, upon Complaint and Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount, which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billetted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

Supply of Carriages.

L. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified

Payment

Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly: and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Six-pence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in

in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

Exemption from Tolls.

LII. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Recruits marching by Route, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons or Baggage under the Provisions of this Act, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed

in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LIII. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billetting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed or ordered by such Constable to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LIV. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every

every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House, against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or less than Forty Shillings.

Penalty for purchasing Clothes, &c. from any Marine.

LV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture,

Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on Officers killing Game.

LVI. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LVII. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of recording a Marine's Settlement.

LVIII. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

LIX. And

Administration of Oaths.

LIX. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Perjury.

Licences of Canteens.

LX. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such Exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Limitation of Actions.

LXI. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all Special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become Nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXII. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in that Part of the United Kingdom in or near to which the Offence shall be committed; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs

attending the Prosecution to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered, under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King 3 G. 4. c. 23. *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others;* and by another Act 5 G. 4. c. 18. passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXIII. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; any thing in an Act passed in the Fifth and Sixth Years of the Reign 5 & 6 W. 4. c. 76. of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

Definition of Terms.

LXIV. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend

to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billetting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billetted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Marines not to be billetted in private Houses, &c.

LXV. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Notification to Parishes of good or bad Conduct of Marines.

LXVI. And it is hereby declared and enacted, That all Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on

Marines to be subject to the Discipline of the Navy while on board Ship.

on shore, and when on such Occasions the senior Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit on shore any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

Duration of Act.

LXVII. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-three until the Twenty-fifth Day of *April* One thousand eight hundred and forty-four inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-three until the First Day of *May* One thousand eight hundred and forty-four inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and forty-three until the Twenty-fifth Day of *July* One thousand eight hundred and forty-four inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies*, and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and forty-three to the Twenty-fifth Day of *September* One thousand eight hundred and forty-four inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and forty-three to the Twenty-fifth Day of *November* One thousand eight hundred and forty-four inclusive.

Act may be amended.

LXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?

9. On what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy?
13. Have you served in the Army, Marines, Ordnance, or Navy, or have you ever been rejected as unfit for Her Majesty's Service upon any prior Enlistment?

Note.—The Justice is directed first to ascertain that Twenty-four Hours have elapsed since the Enlistment took place, and in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand

_____ } Signature of the Recruit.

_____ Witness present.

Sworn before me at _____ this _____ Day of _____ One thousand eight hundred and _____ at _____ o'Clock.

_____ Signature of the Justice.

CERTIFICATE to be given by the Justice.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any distinctive Mark,

to wit. } I _____ one of Her Majesty's Justices of the Peace of _____ do hereby certify, That the above is the Description of the Recruit _____; and in my Presence all

all the foregoing Questions were put to the said that the Answers written opposite to them are those which he gave to me; and that the Third, Fourth, and Fifth Articles of the Second Section of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny, and the First Article of the Third Section of the said Rules and Articles, against Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate signed with my Name.

_____ Signature of the Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent; and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION RETURN of at on the Day of committed to Confinement as a Deserter from the Royal Marines.

Age		
Height	Feet.	Inches.
Complexion		
Hair		
Eyes		
Marks		
Probable Date of Enlistment, and where		
Probable Date of Desertion, and from what Place		
† Name and Occupation and Address of the Person by whom apprehended		
† Particulars in the Evidence on which the Prisoner is committed		
† Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter		
† Whether the Prisoner confessed before the Magistrate that he is a Deserter		

† It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate, in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

———— *Signature and Address of Magistrate.*
———— *Signature of Prisoner.*
———— *Signature of Informant.*

* Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him * for Military Service.

———— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

* Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. V.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-three. [3d *April* 1843.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-three, the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United

There shall be applied, for the Service of the Year 1843, the Sum of 8,000,000*l.* out of the Consolidated Fund.

108160

United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem*, upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily*

advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any other Act or Acts to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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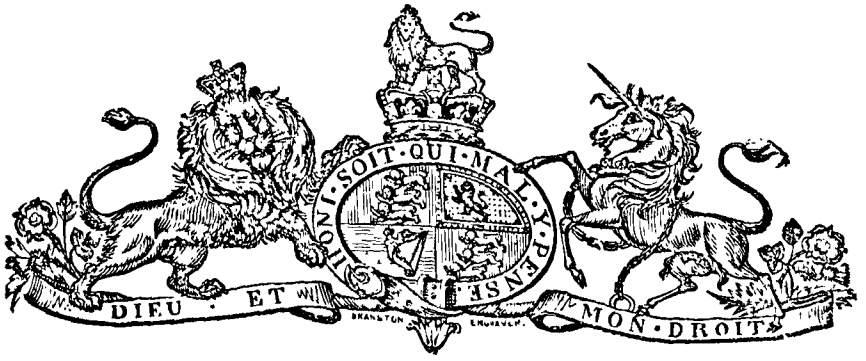

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the Afternoon; and that the said Oaths and Declarations made and subscribed between the Hours last aforesaid shall be as effectual to all Intents and Purposes as if made and subscribed within the Hours mentioned in the said recited Act.

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ANNO SEXTO

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CAP. VII.

An Act to amend the Law affecting transported Convicts with respect to Pardons and Tickets of Leave. [3d *April* 1843.]

WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof*, it is among other things enacted, that neither the Governor nor Lieutenant Governor of any Island, Colony, or Settlement, or any other Person, shall give any Pardon or Ticket of Leave to any Person sentenced to Transportation, or who shall receive a Pardon on condition of Transportation, or any Order or Permission to suspend or remit the Labour of any such Person, except in Cases of Illness, until such Person, if transported for Seven Years, shall have served Four, if transported for Fourteen Years shall have served Six, or if transported for Life shall have served Eight Years of Labour; and that no such Person shall be capable of acquiring or holding any Property, or of bringing any Action for the Recovery of any Property, until after such Person shall have duly obtained a Pardon from the Governor or Lieutenant Governor of the Colony or Settlement in which he or she shall have been confined; provided that nothing therein contained shall in any Manner affect His Majesty's Royal Prerogative of Mercy: 2 & 3 W. 4. c. 62.

Repeal of so much of the recited Act as respects Pardons and Tickets of Leave.

And whereas it is expedient that the Law with respect to Pardons and Tickets of Leave should be amended; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the above-recited Act as is herein-before recited shall be repealed.

Manner of granting Pardons.

II. And be it enacted, That after the Time when this Act shall take effect in any Place to which Felons and Offenders have been or may be transported by Law, neither the Governor nor Lieutenant Governor of such Place shall be empowered as heretofore to remit, either absolutely or conditionally, the Whole or any Part of the Time for which any such Felons or other Offenders shall have been or shall be hereafter transported to such Place, but instead thereof the Governor or Lieutenant Governor shall from Time to Time, by an Instrument in Writing under his Hand, recommend such Felons or other Offenders as he shall think fit to be recommended to Her Majesty for an absolute or conditional Pardon; and in case Her Majesty shall, through One of Her Principal Secretaries of State, signify Her Approval of any such Recommendation, it shall be lawful for the Governor or Lieutenant Governor to grant such absolute or conditional Pardon pursuant to such Instructions as shall be sent to him by the Secretary of State, by an Instrument in Writing under the Seal of his Government, which shall be deemed from the Day of the Date thereof to have, within such Place or Places as shall be specified in such Pardon, but not elsewhere, the same Effect in the Law to all Intents and Purposes as if a general, absolute, or conditional Pardon had passed on that Day under the Great Seal of the United Kingdom.

Holders of Tickets of Leave enabled to sue for Personal Property.

III. And whereas the Practice hath prevailed in those Places to which Felons and Offenders have been transported by Law of granting, in certain Cases and on certain Conditions, Permission to such Felons and Offenders to employ themselves for their own Benefit (which Permissions are usually called and known by the Name of Tickets of Leave), and it is just that they should be protected in their Persons and in the Possession of such Property as they may acquire by their Industry while holding such Tickets of Leave; be it enacted, That it shall be lawful for every Felon under Sentence or Order of Transportation who shall hold any such Ticket of Leave, notwithstanding his or her Conviction of Felony, to acquire and hold Personal Property, and to maintain any Action or Suit for the Recovery of any Personal Property so acquired by him or her, and for any Damage or Injury sustained by him or her, in the Courts of the Colony or Place where such Felon shall lawfully reside; and if the Defendant in any such Action or Suit shall plead or allege in his or her Defence the Plaintiff's or Complainant's Conviction of Felony, and the Plaintiff or Complainant shall allege and prove that he or she hath received and doth still continue to hold unrevoked such a Ticket of Leave as aforesaid, a Verdict shall pass and Judgment shall be given for the Plaintiff or Complainant: Provided always, that whenever such Ticket of Leave shall be revoked all Property so acquired by any such Felon shall vest absolutely in Her Majesty, and shall be disposed

disposed of at the Discretion of the Governor or Lieutenant Governor, subject to such Instructions as shall be from Time to Time sent to him by One of Her Majesty's Principal Secretaries of State.

Holders of Tickets of Leave declared incapable of holding Real Property.

IV. Provided always, and be it declared and enacted, That no Felon under Sentence of Transportation who shall hold a Ticket of Leave shall be capable of acquiring or holding any Estate in Lands or Tenements other than as Tenant for Years, or for some less Term or Estate, determinable in each Case upon the Revocation of the Ticket of Leave, until after such Felon shall have duly obtained an absolute or conditional Pardon from the Governor or Lieutenant Governor of the Place to which he shall have been so transported, pursuant to the Provisions herein-before contained.

Commencement of Act.

V. And be it enacted, That this Act shall be proclaimed by the Governor or Lieutenant Governor of every Place to which Felons and Offenders have been or now may be transported by Law within Six Weeks after a Copy of it shall have been received by him, and shall take effect in every such Place from the Day of the Proclamation thereof; and in case Her Majesty shall be pleased, with the Advice of Her Privy Council, to appoint any new Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation may be conveyed, this Act shall take effect in every such Place from the Time of such Appointment.

Act may be amended.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. VIII.

An Act to empower Justices of the Peace in *Ireland* to act in certain Cases relating to Rates to which they are chargeable. [3d *April* 1843.]

WHEREAS Doubts have arisen whether Justices of the Peace in *Ireland* may lawfully act in Cases relating to Cesses, Rates, and Taxes to which such Justices respectively are rated or chargeable; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for all and every Justice or Justices of the Peace for any County, County of a City, or County of a Town, or Borough or Town Corporate, in *Ireland*, within their respective Jurisdictions, to do and perform all Acts appertaining to their Office as Justice or Justices of the Peace under or in execution of the Laws for the Presentment of Public Money by Grand Juries in *Ireland*, or the Laws for the more effectual Relief of the destitute Poor in *Ireland*, or for the Apprehension and Punishment of Vagrants, or under an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to make Provision for lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in* Ireland, *in certain Cases*, or under or in execution

Justices of the Peace empowered to act in Cases relating to Grand Jury and Poor Law Rates and other Rates, although liable to such Rates. 9 G. 4. c. 82.

of any other Laws concerning local Cesses, Rates, or Taxes, notwithstanding any such Justice or Justices is or are rated to or chargeable with the Cesses, Rates, or Taxes affected by such Act or Acts of such Justice or Justices as aforesaid.

Former Acts of Justices not to be declared void.

II. And be it enacted, That no Act of any such Justice or Justices done before the passing of this Act shall hereafter be quashed or declared void because the same has been done by any such Justice or Justices so rated or chargeable as aforesaid.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. IX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-four; and for the Relief of Clerks to Attornies and Solicitors in certain Cases. [3d *April* 1843.]

WHEREAS divers Persons, who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act passed in the First Year of the Reign of His Majesty King *George* the First, of glorious Memory, intituled *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors;* or to have qualified themselves according to an Act passed in the Thirteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations;* or to have qualified themselves

1 G. 1. st. 2. c. 13.

13 C. 2. st. 2. c. 1.

themselves according to another Act passed in the Twenty-fifth Year of
25 C. 2. st. 2. c. 2. the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants;* or according to another Act passed in the Thirtieth Year of the Reign of
30 C. 2. st. 2. His Majesty King *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament;* or according to another Act passed in the Eighth Year of the Reign of His Majesty
8 G. 1. c. 6. King *George* the First, intituled *An Act for granting the People called* Quakers *such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under;* or according to another Act passed in the Ninth Year of the Reign of His Majesty
9 G. 2. c. 26. King *George* the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees;* or according to another Act passed in the Eighteenth Year
18 G. 2. c. 20. of the Reign of His Majesty King *George* the Second, intituled *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the further 'Qualification of Justices of the Peace;'* or according to another Act passed in the Sixth Year of the Reign of His Majesty King *George*
6 G. 3. c. 53. the Third, intituled *An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act passed in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;* or according to another Act passed in the Ninth Year of the Reign of His Majesty King *George* the
9 G. 4. c. 17. Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments;* or according to another Act passed in the Tenth Year of the Reign of His said
10 G. 4 c. 7. Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects,* so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the Queen's most Excellent Majesty,

by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-four shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further Time.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*; be it therefore enacted, That all Persons who have

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-four.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-four, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby

hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Indemnity to Persons who have paid the Duties on Indentures to serve as Clerks to Attornies, &c., but have neglected to cause Affidavits thereof to be made.

VI. And whereas many Persons who may have paid the proper Stamp Duties, either before or within Six Months after the Execution of the Contracts in Writing entered into by them to serve as Clerks to Attornies or Solicitors, Scriveners or Notaries Public, in *Great Britain*, have omitted to cause Affidavits to be made, and afterwards to be filed in the proper Office, of the actual Execution of such Contracts, and have also omitted to cause such Contracts, and the Indentures thereof, or the Assignment of any such Indentures, to be enrolled within the Time in which the same ought to have been done; and many Solicitors, Attornies, Notaries Public, and others have omitted to take out Annual Certificates, or to enter the same in the proper Office; and many Infants and others may thereby incur certain Disabilities: For preventing thereof, and relieving such Persons, be it enacted, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture or Assignment to be enrolled, and who, on or before the First Day of *Hilary* Term One thousand eight hundred and forty-four, shall cause such Contract or Indenture or Assignment to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made and afterwards to be filed, in such Manner as the same ought to have been made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts

mentioned, and incurred or to be incurred for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the First Day of *Hilary* Term One thousand eight hundred and forty-four, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same by reason that the Attorney, Solicitor, or Notary Public to whom such Infant or other Person shall have been articled or assigned, or have contracted to serve, shall have neglected to take out his Annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Notary Public or Notaries Public, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his Annual Certificate, or to register the same, provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

Neglect of Attornies, &c. in taking out their Annual Certificates not to disqualify the Persons who have served them.

VII. And be it enacted, That in case the Attorney, Solicitor, Proctor, or Notary to whom any Person shall have duly served his Clerkship under Articles in Writing for that Purpose shall after such Service of the Clerk be struck off the Roll in consequence of some Defect in the Service under the Articles of Clerkship or of the Admission and Enrolment of such Attorney, Solicitor, Proctor, or Notary, the Person who has so duly served his Clerkship shall not be prevented or disqualified from being admitted and enrolled as an Attorney, Solicitor, Proctor, or Notary, nor liable to be struck off the Roll if admitted, by reason of any such Defect as aforesaid, provided that such Clerk or Person be otherwise entitled to be admitted and enrolled according to the Laws now in force relating thereto.

Defects in the Service, &c. of Attornies not to disqualify Persons who have served them.

VIII. And be it enacted, That no Person who has been admitted and enrolled and in actual Practice as an Attorney, Solicitor, Proctor, or Notary shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or the Registry thereof, or the Service under such Articles, or of his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment.

Applications for striking Attornies off the Roll for Defect in Articles, &c. to be made within 12 Months.

IX. And whereas by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, to allow, until the Tenth Day of *October* One thousand eight hundred and twenty-six, the Enrolment of certain Articles of Clerkship, and for other Purposes therein mentioned, it was enacted, that it should not be

The Word "Months" in 7 G. 4. c. 44. to mean Calendar Months.

lawful for the Commissioners of Stamps, or any of their Officers, to stamp, under any Pretence whatever, after the Expiration of Six Months from their Date, any Articles of Clerkship to Attornies or others, as therein specified: And whereas the using of the Word "Months" in the said last-mentioned Act, in this respect, without the Addition of the Word "Calendar," occasioned Mistakes and Inconveniences; be it enacted, That from and after the passing of this Act the Word "Months" used in the said last-mentioned Act, so far as the same relates to the stamping of Articles of Clerkship to Attornies and others therein specified, shall be understood to mean Calendar Months.

Indentures, &c. may be stamped before last Day of Michaelmas Term 1843, if Application was made therefor within Six Calendar Months from the Dates thereof.

X. And whereas several Persons bound to serve as Clerks or Apprentices to Attornies or Solicitors have applied to have the Indentures or Contracts of such Clerkship stamped after the Expiration of Six Lunar and before the Expiration of Six Calendar Months from the Date thereof; be it enacted, That it shall and may be lawful for the Commissioners of Stamps and Taxes, or any of their proper Officers, at any Time before the last Day of *Michaelmas* Term One thousand eight hundred and forty-three, to stamp any Articles of Clerkship, Contract, Indenture, or other Instrument whereby any Person hath become bound to serve as a Clerk or Apprentice, in order to his Admission as an Attorney or Solicitor in any of the Courts of Law or Equity, although the Period of Six Calendar Months from the Date thereof hath now elapsed, upon Payment of the proper Duty payable in respect of the same, and of the further Sum of Five Pounds by way of Penalty, provided it shall be proved to the Satisfaction of the said Commissioners that Application was made to them or to their proper Officer to have such Articles, Contract, Indenture, or Instrument stamped within Six Calendar Months from the Date thereof.

Not to restore Persons to any Office avoided by Judgment.

XI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

XII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. X.

An Act for removing Doubts as to the Punishment which may be awarded under the Provisions of an Act of the Fourth and Fifth Years of Her present Majesty, "for taking away the Punishment of Death in certain Cases," for certain Offences therein specified. [11th *April* 1843.]

WHEREAS in and by an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof*, it was amongst other things enacted, that whereas by an Act passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to malicious Injuries to Property*, it was amongst other things enacted, that if any Persons riotously and tumultuously assembled together to the Disturbance of the public Peace should unlawfully and with Force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or any Chapel for the Religious Worship of Persons dissenting from the United Church of *England* and *Ireland*, duly registered or recorded, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop,

4 & 5 Vict. c. 56.

7 & 8 G. 4. c. 30.

Shop, Mill, Malthouse, Hop-oust, Barn, Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture, or in any Branch thereof, or any Steam Engine or other Engine for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggon-way, or Trunk for conveying Minerals from any Mine, every such Offender should be deemed guilty of Felony, and being convicted thereof should suffer Death as a Felon; and that in case of every Felony punishable under that Act every Principal in the Second Degree and every Accessory before the Fact should be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree was by that Act punishable: And whereas it was expedient that the said last-mentioned Offences should be no longer punishable with Death; that from and after the Commencement of the said Act of the Fourth and Fifth Years of the Reign of Her present Majesty, if any Person should be convicted of any of the Offences herein-before specified, whether as Principal, or as Principal in the Second Degree, or as Accessory before the Fact, such Person should not be subject to any Sentence, Judgment, or Punishment of Death, but should, instead of the Sentence or Judgment in and by the said Act herein-before first recited ordered to be given and awarded against Persons convicted of the above-mentioned Offences or any of them respectively, be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Time not exceeding Three Years: And whereas Doubts have arisen whether such Offenders are liable, under the Provisions of the said Act of the Fourth and Fifth Years of the Reign of Her present Majesty herein-before recited, to be transported beyond the Seas for the Term of their natural Lives: And whereas it is expedient to put an end to such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Punishment for Offences herein-before specified.

That from and after the passing of this Act, if any Person shall be convicted of any of the Offences herein-before in the said Act first above recited specified, such Person shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be imprisoned, with or without hard Labour, for any Time not exceeding Three Years.

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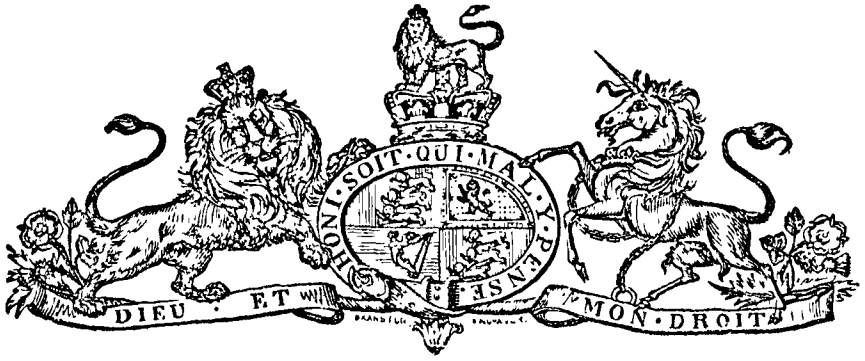

ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XI.

An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Sudbury* from sending Burgesses to serve in Parliament.

[11th *April* 1843.]

WHEREAS the Commons of *Great Britain* and *Ireland* in Parliament assembled have passed a Bill, intituled *An Act to exclude the Borough of* Sudbury *from sending Burgesses to serve in Parliament:* And whereas it is alleged that there has been open, general, and systematic Bribery and Corruption at the last Election of Burgesses to serve in Parliament for the Borough of *Sudbury:* And whereas it may be desirable to examine as Witnesses at the Bar, or before a Select Committee of the Lords Spiritual and Temporal, several Persons in respect of such alleged Bribery and Corruption, and in respect of Bribery and Corruption practised at former Elections in the said Borough, and the Evidence of such Persons may tend to expose them to penal Consequences: And whereas it is expedient to indemnify such Persons, upon their making such true and faithful Disclosure and Discovery as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

All Persons implicated in Bribery at Sudbury, who may be examined before the House of Lords, and shall make a faithful Disclosure, indemnified.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the more effectually prosecuting the said Inquiry every Person who may have been implicated or engaged in such alleged Bribery and Corruption at or connected with any Election of Members to serve in Parliament for the said Borough of *Sudbury*, and who shall be examined as Witnesses or a Witness at the Bar, or before any Select Committee of the Lords Spiritual and Temporal, touching such alleged Bribery and Corruption, and who shall upon such Examination make a true and faithful Discovery and Disclosure, to the best of his or her Knowledge, touching all Acts, Matters, and Things to which he or she shall be so examined, shall be and he and she is hereby freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Corruption.

Witnesses examined before the House of Lords, or any Committee thereof, not to be indemnified, unless they shall have a Certificate from the Lord Chancellor.

II. Provided also, and be it further enacted, That where any Witness shall be examined before the House of Lords, or any Committee of the said House, such Witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor a Certificate in Writing stating that such Witness has, upon his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined, which said Certificates the Lord Chancellor is hereby authorized to give; and if any Action, Information, or Indictment shall at any Time be pending in any Court, for Bribery at any former Election for the Borough of *Sudbury*, against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XII.

An Act for the more convenient holding of Coroners Inquests. [11th *April* 1843.]

WHEREAS it often happens that it is unknown where Persons lying dead have come by their Deaths, and also that such Persons may die in other Places than those in which the Cause of Death happened: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Coroner only within whose Jurisdiction the Body of any Person upon whose Death an Inquest ought to be holden shall be lying dead shall hold the Inquest, notwithstanding that the Cause of Death did not arise within the Jurisdiction of such Coroner; and in the Case of any Body found dead in the Sea, or any Creek, River, or navigable Canal within the flowing of the Sea, where there shall be no Deputy Coroner for the Jurisdiction of the Admiralty of *England*, the Inquest shall be holden only by the Coroner having Jurisdiction in the Place where the Body shall be first brought to Land.

Coroner only within whose Jurisdiction the Body is lying dead shall hold the Inquest.

II. And be it enacted, That for the Purpose of holding Coroners Inquests every detached Part of a County, Riding, or Division shall be deemed to be within that County, Riding; or Division by which it

Provision for detached Parts of Counties.

it is wholly surrounded, or, where it is partly surrounded by Two or more Counties, Ridings, or Divisions, within that one with which it has the longest common Boundary.

Parties may be tried on Verdicts of Murder or Manslaughter.

III. And be it declared and enacted, That if a Verdict of Murder or Manslaughter, or as Accessary before the Fact to any Murder, shall be found by the Jury at any such Inquest, against any Person or Persons, the Coroner holding the said Inquest, and the Justices of Oyer and Terminer and Gaol Delivery for the County, City, District, or Place in which such Inquest shall be holden, and all other Persons, shall have the same Powers respectively for the Commitment, Trial, and Execution of the Sentence of the Person or Persons so charged as they now by Law possess with regard to the Commitment, Trial, and Execution of the Sentence upon any Person or Persons committed and tried within the Jurisdiction where the Death happened.

Deodands may be levied on Verdicts.

IV. And be it declared and enacted, That if a Verdict of Accidental Death shall be found by the Jury at any such Inquest, the Coroner and Jury, and the Sheriff and Court of Exchequer, and all other Persons whosoever, shall have the same Powers respectively with regard to the finding, returning, and levying of Deodands as they now possess in Cases where the Death and the Cause of Death happened within the same Jurisdiction.

Act may be amended or repealed.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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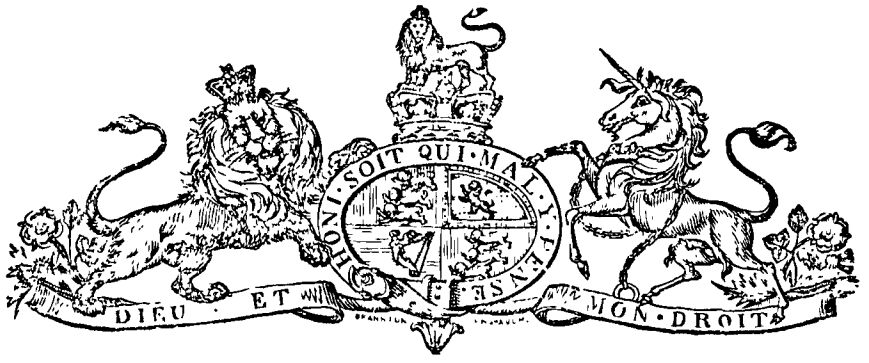

ANNO SEXTO

VICTORIÆ REGINÆ.

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The Queen may delegate Her Powers and Authorities to resident Officers.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Commission or Commissions under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual, accompanying and referred to in any such Commission or Commissions, to delegate to any Three or more Persons within any of the Settlements aforesaid respectively the Powers and Authorities so vested in Her Majesty in Council as aforesaid, either in whole or in part, and upon, under, and subject to all such Conditions, Provisoes, and Limitations as by any such Commission or Commissions or Instructions as aforesaid Her Majesty shall see fit to prescribe: Provided always, that notwithstanding any such Delegation of Authority as aforesaid, it shall still be competent to Her Majesty in Council, in manner aforesaid, to exercise all the Powers and Authorities so vested as aforesaid in Her Majesty in Council: Provided also, that all such Orders in Council, Commissions, and Instructions as aforesaid, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

Orders in Council, &c. to be laid before Parliament.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XIV.

An Act for carrying into effect a Treaty between Her Majesty and the Republic of *Bolivia*, for the Abolition of the Slave Trade. [11th *April* 1843.]

WHEREAS on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and forty a Treaty was concluded and signed at *Sucre*, between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Bolivia*, for the Abolition of the Slave Trade, whereby it was agreed as follows:—

ARTICLE I.—The Slave Trade having been constitutionally abolished throughout the Territories of the Republic of *Bolivia*, is hereby declared to be henceforward totally prohibited to all the Citizens of the said Republic in all Parts of the World.

ARTICLE II.—The Republic of *Bolivia* hereby specially engages that, Two Months after the Exchange of the Ratifications of the present Treaty, if the ordinary Congress shall be assembled at that Time, or Two Months after the subsequent Meeting of Congress, it will promulgate throughout its Territories a Penal Law inflicting the Punishment attached to Piracy on all those Citizens of *Bolivia* who shall, under any Pretext whatsoever, take any Part whatever in the Traffic in Slaves; and from Time to Time afterwards, as it may become needful, it

will take the most effectual Measures for preventing the Citizens of the Republic from being concerned, and the Flag of the Republic from being used, in carrying on in any way the Trade in Slaves.

ARTICLE III.—Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Bolivia* hereby mutually engage, that, by an additional Convention to the present Treaty, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the Details of the Measures by which the Law of Piracy, which will become applicable to that Traffic by the Legislation of each of the Two Countries, shall be immediately and reciprocally carried into execution with respect to the Vessels and Subjects or Citizens of each.

ARTICLE IV.—In order more completely to carry into effect the Spirit of the present Treaty the Two High Contracting Parties mutually consent that those Ships of their Navies respectively which shall be provided with special Instructions for that Purpose, as herein-after mentioned, may visit such Merchant Vessel of the Two Nations as may be suspected, upon reasonable Grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the Purposes thereof, or of having, during the Voyage in which they are met by the said Cruisers, been engaged in the Traffic in Slaves, contrary to the Provisions of this Treaty; and the Two High Contracting Parties likewise consent that such Cruisers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner herein-after agreed upon.

ARTICLE V.— In order to regulate the Mode of carrying the Provisions of the preceding Article into execution it is agreed, —

First,—That all Ships of the Navies of the Two Nations which shall be hereafter employed to prevent the Traffic in Slaves shall be furnished by their respective Governments with a Copy, in the *English* and *Spanish* Languages, of the present Treaty; of the Instructions for Cruisers annexed thereto, *sub literâ* (A.), and of the Regulations for the Mixed Courts of Justice annexed thereto, *sub literâ* (B.), which Annexes shall be considered as an integral Part of the Treaty:

Secondly,—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each Ship, and the Names of their several Commanders:

Thirdly,—That if at any Time there shall be just Cause to suspect that any Merchant Vessel, sailing under the Flag of either Nation, and proceeding under the Convoy of any Ship or Ships of War of either of the Contracting Parties, is engaged or is intended to be engaged in the Traffic in Slaves, or is fitted out for the Purposes thereof, or has, during the

Voyage in which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the Commander of any Ship of the Navy of either of the Two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such Merchant Vessel; and such Commander shall proceed to visit the same, in communication with the Commanding Officer of the Convoy, who it is hereby agreed shall give every Facility to the Visit, and to the eventual Detention, if necessary of such Merchant Vessel, and in all things shall assist to the utmost of his Power in the due Execution of the present Treaty, according to the true Intent and Meaning thereof:

Fourthly,—It is further mutually agreed, That the Commanders of the Ships of the Two Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of the aforesaid Instructions.

Article VI.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects or Citizens may incur by the arbitrary and illegal Detention of their Vessels, it being understood that this Indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention, and that the Visit and Detention of such Vessels, specified in Article IV. of this Treaty, shall only be effected by those *British* and *Bolivian* Ships which may form Part of the Navies (Royal and National) respectively of the Two High Contracting Parties to the Treaty, and by such Ships only of those Navies as shall be provided with the special Instructions annexed to the present Treaty in pursuance of the Provisions thereof.

The Compensation for Damages, of which this Article treats, shall be made within the Term of One Year, reckoned from the Day on which the Mixed Courts of Justice pronounce Sentence on the Vessel, for the Detention of which such Compensation is claimed.

Article VII.—In order to bring to Adjudication with as little Delay and Inconvenience as possible the Vessels which may be detained according to the Tenor of Article IV. of this Treaty, there shall be established, within the Space of One Year at farthest from the Exchange of the Ratifications of the present Treaty, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations named for this Purpose by the Governments of the Two High Contracting Parties respectively.

These Courts shall reside, one in a Possession belonging to Her *Britannic* Majesty, the other within the Territories of the Republic of *Bolivia;* and the Two Governments, at the Period of the Exchange of the Ratifications of the present Treaty, shall declare, each for its own Territories, in what Places the Courts shall respectively reside; each of the Two High Contracting Parties reserving to itself the Right of changing at its Pleasure

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the Place of Residence of the Court held within its own Territories: Provided, however, that one of the Two Courts shall always be held upon the Coast of *Africa*, and the other in one of the Possessions of the Republic of *Bolivia*.

These Courts shall judge the Causes submitted to them according to the Provisions of the present Treaty, without Appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral Part thereof.

ARTICLE VIII.—If the Commanding Officer of any of the Ships of the Navies of *Great Britain* and of the Republic of *Bolivia* respectively, duly commissioned according to the Provisions of Article IV. of this Treaty, shall deviate in any respect from the Stipulations in the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation; and in such Case the Government to which such Commanding Officer may belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may have committed.

ARTICLE IX.—It is hereby further mutually agreed, that every Merchant Vessel, *British* or *Bolivian*, which shall be visited by virtue of the present Treaty, may lawfully be detained and be sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; namely,

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold, or on Deck, in a greater Number than are necessary for Vessels engaged in lawful Trade.

Thirdly,—Spare Plank fitted for being laid down as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared outwards, stating that a sufficient Security had been given by the Owners of such Merchant Vessel that such extra Quantity of Casks or of other Vessels should only be used for the Reception of Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighthly,—A Boiler of an unusual Size, and larger, or fitted for being made larger, than requisite for the Use of the Crew

Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

Ninthly,—An extraordinary Quantity either of Rice, of the Flour of Brazil, Manioc or Cassada, commonly called Farinha, of Maize, of Indian Corn, or of any other Article of Food whatever, beyond what might probably be requisite for the Use of the Crew, such Rice, Flour, Maize, Indian Corn, or other Article of Food not being entered on the Manifest as Part of the Cargo for Trade.

Tenthly,—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel.

Any One or more of these several Things, if proved, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade; and the Vessel shall thereupon be condemned, and be declared lawful Prize, unless clear and incontestable Evidence on the Part of the Master or Owners shall establish, to the Satisfaction of the Court, that such Vessel was, at the Time of her Detention or Capture, employed in some legal Pursuit, and that such of the several Things above enumerated as were found on board her at the Time of her Detention, or had been put on board on the Voyage on which the Vessel when captured was proceeding, were needed for legal Purposes on that particular Voyage.

Article X.—If any of the Things specified in the preceding Article shall be found in any Merchant Vessel, no Compensation for Losses, Damages, or Expences consequent upon the Detention of such Vessel shall in any Case be granted either to her Master or to her Owner, or to any other Person interested in her Equipment or Lading, even though the Mixed Court of Justice should not pronounce any Sentence of Condemnation in consequence of her Detention.

Article XI.—It is hereby agreed between the Two High Contracting Parties, that in all Cases in which a Vessel shall be detained under this Treaty by their respective Cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the Purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said Vessel shall, immediately after its Condemnation, be broken up entirely, and shall be sold in separate Parts after having been so broken up.

Article XII.—The Negroes who are found on board of a Vessel detained by a Cruiser, and condemned by the Mixed Courts of Justice in conformity with the Stipulations of this Treaty, shall be placed at the Disposition of the Government whose Cruiser has made the Capture, on the distinct Understanding that they shall be immediately set at liberty and kept free, the Government to which they have been delivered guaranteeing the same, and likewise engaging to afford from Time to

Time, and whenever demanded by the other High Contracting Party, the fullest Information as to the State and Condition of such Negroes, with a view of insuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations annexed to this Treaty, *sub literâ* (C.), as to the Treatment of Negroes liberated by Sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral Part of this Treaty; the Two High Contracting Parties reserve to themselves the Right to alter or suspend, by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

ARTICLE XIII.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows:

(A.) Instructions for the Ships of the Navies of both Nations destined to prevent the Traffic in Slaves.

(B.) Regulations for the Mixed Courts of Justice, which are to hold their Sittings on the Coast of *Africa*, and in one of the Possessions of the Republic of *Bolivia*.

(C.) Regulations as to the Treatment of liberated Negroes.

ARTICLE XIV.—The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications thereof exchanged at *London*, as soon as possible within the Space of Twenty Months from this Date.

In witness whereof, the respective Plenipotentiaries have signed, in triplicate Originals, *English* and *Spanish*, the present Treaty, and have thereunto affixed the Seal of their Arms.

Done at *Sucre*, the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and forty.

(L. S.) *Belford Hinton Wilson.*
(L. S.) *Jose Mª Linares.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of BOLIVIA, for the ABOLITION of the SLAVE TRADE of the REPUBLIC of BOLIVIA.

Instructions for the Ships of the British and Bolivian Navies employed to prevent the Traffic in Slaves.

ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty or of the Republic of *Bolivia*, which shall be furnished with these Instructions, shall have a Right to visit, search, and detain any *British* or *Bolivian* Merchant

Merchant Vessel which shall be actually engaged or which shall be suspected to be engaged in the Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she may be met with by such Ship of the *British* or *Bolivian* Navy; and such Commander shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment before that one of the Two Mixed Courts of Justice, established in virtue of Article VII. of the said Treaty, which shall be the nearest to the Place of Detention, or which such Commander shall upon his own Responsibility think can be soonest reached from such Place.

Article II.—Whenever a Ship of either of the said Navies, duly authorized as aforesaid, shall meet a Merchantman liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of Lieutenant in the Navy of *Great Britain* or of the Republic of *Bolivia* respectively (unless the Command shall, by reason of Death or otherwise, be held by an Officer of inferior Rank), or by the Officer who at the Time shall be second in Command of the Ship by which such Search is made.

Article III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid, who may detain any Merchant Vessel in pursuance of the Tenor of the present Instructions, shall leave on board the Vessel so detained the Master, the Mate, or Boatswain, and Two or Three at least of the Crew thereof, the whole of the Slaves, if any, and all the Cargo.

The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Vessel, such Declaration to be signed by himself, and to be given in or sent together with the captured Vessel to the Mixed Court of Justice before which such Vessel shall be carried or sent for Adjudication.

He shall deliver to the Master of the detained Vessel a certified List of the Papers seized on board the same, as well as of the Number of Slaves found on board at the Moment of Detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the certified List of the Papers seized, he shall insert his own Name, the Name of the capturing Ship, the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board the Vessel at the Time of the Detention.

The Officer in charge of the Vessel detained shall, at the Time of his bringing the Vessel's Papers into the Mixed Court of Justice, deliver in to the Court a Paper, signed by himself, and verified on Oath, stating any Changes which may have taken place

place in respect to the Vessel, her Crew, the Slaves (if any), and her Cargo, between the Period of her Detention and the Time of delivering in such Paper.

ARTICLE IV.—The Slaves shall not be disembarked till after the Vessel which contains them shall have arrived at the Place of Adjudication, in order that in the event of the Vessel not being adjudged legal Prize the Loss of the Proprietors may be more easily repaired; and even after the Slaves have arrived at such Place they are not to be landed without the Permission of the Mixed Court of Justice.

But if urgent Reasons, deduced from the Length of the Voyage, from the State of Health of the Slaves, or from other Causes, should require that either the Whole or a Portion of the Negroes should be disembarked before the Vessel can arrive at the Place at which one of the said Courts is established, the Commander of the capturing Ship may take upon himself the Responsibility of so disembarking the Negroes; provided that such Necessity and the Causes thereof be stated in a Certificate in proper Form, and that this Certificate be entered at the Time on the Log Book of the detained Vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Article XIII. of the Treaty signed by them on this Day, the Twenty-fifth of *September* of One thousand eight hundred and forty, that the preceding Instructions, consisting of Four Articles, shall be annexed to the said Treaty, and be considered as an integral Part thereof.

The Twenty-fifth Day of *September* of One thousand eight hundred and forty.

(L.S.) *Belford Hinton Wilson.*
(L.S.) *Jose Mª Linares.*

ANNEX (B.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of BOLIVIA, for the ABOLITION of the SLAVE TRADE of the REPUBLIC of BOLIVIA.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Republic of Bolivia.

ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty, of which these Regulations are declared to be an integral Part, shall be composed in the following Manner:—

Each of the Two High Contracting Parties shall name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them; the Judges and the Arbitrators shall, before entering upon the Duties of their

Office, respectively make Oath before the principal Magistrate of the Places in which such Courts respectively shall reside, that they will judge fairly and faithfully, that they will have no Preference either for the Claimants or the Captors, and that they will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Government of the Country within the Territories of which such Court shall reside.

Such Secretary or Registrar shall register all the Acts of such Court, and shall, before he enters upon his Office, make Oath before the Court to which he is appointed, that he will conduct himself with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his said Office.

The Salary of the Secretary or Registrar of the Court to be established on the Coast of *Africa* shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Possessions of the Republic of *Bolivia* shall be paid by the Government of the Republic of *Bolivia*.

Each of the Governments shall defray Half of the aggregate Amount of the incidental Expences of such Courts.

Article II.—The Expences incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall, in case of Condemnation, be defrayed from the Funds arising from the Sale of the Materials of the broken-up Vessel, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize; and in case the Proceeds arising from the Sale should not prove sufficient to defray such Expences, the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expences occasioned by bringing her to Adjudication shall be defrayed by the Captor, excepting in Cases specified and otherwise provided for under Article X. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

Article III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge definitively, and without Appeal, all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of these Courts shall take place with as little Delay as possible, and for this Purpose the Courts are required to decide each Case, as far as may be practicable, within the

Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either on account of the Absence of Witnesses or for any other Cause, except upon the Application of any of the Parties interested, in which Case, upon such Party or Parties giving satisfactory Security that they will take upon themselves the Expence and Risks of the Delay, the Courts may, at their Discretion, grant an additional Delay, not exceeding Four Months; either Party shall be allowed to employ such Counsel as he may think fit, to assist him in the Conduct of his Cause.

All the essential Parts of the Proceedings of the said Courts shall be written down in the Language of the Country in which the Courts shall respectively reside.

Article IV.—The Form of the Process shall be as follows:—The Judges appointed by the Two Nations respectively shall, in the first place, proceed to examine the Papers of the detained Vessel, and to take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board such Vessel, as well as the Declaration on Oath of the Captor, should such Declaration appear necessary to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, so that according to the Judgment pronounced the Vessel may be condemned or released.

In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce, in any Case brought before them, either with respect to the Legality of the Detention, the Liability of the Vessel to Condemnation, or the Compensation to be allowed, or as to any other Question which may arise out of the said Capture, or if any Difference of Opinion should arise between them as to the Mode of Proceeding in the said Court, they shall draw by Lot the Name of One of the Two Arbitrators appointed as aforesaid, which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two above-mentioned Judges, and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

Article V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and her Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master, or to the Person who represents him; and such Master or other Person may, before the same Court, claim to have a Valuation made, in order to ascertain the Amount of the Damages to which he shall be entitled. The Captor himself, and in his Default his Government, shall remain responsible for the Damages which may definitively be pronounced to be due to the Master of such Vessel, or to the Owners of the Vessel or of her Cargo.

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The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject or Citizen.

ARTICLE VI.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Slaves who shall have been brought on board for the Purposes of Commerce; and the said Vessel, in conformity with the Regulations in Article XI. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale, for the Profit of the Two Governments, subject to the Payment of the Expences herein-before mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom belongs the Cruiser which made the Capture, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty, *sub literâ* (C.)

The Charges incurred for the Support and for the Return Voyage of the Commanders and Crews of condemned Vessels shall be defrayed by the Government of which such Commanders and Crews are the Subjects or Citizens.

ARTICLE VII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein Restitution of such Vessels and Cargoes shall be decreed (save as mentioned in Article X. of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations), the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; (that is to say,)

First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For the Ship, her Tackle, Equipment, and Stores.

(b) For all Freights due and payable.

(c) For the Value of the Cargo of Merchandize, if any, deducting all Charges and Expences payable upon the Sale of such Cargo, including Commission of Sale.

(d) For all other regular Charges in such Case of total Loss.

Secondly,—

Secondly,—In all other Cases, not of total Loss, save as herein-after mentioned, the Claimant or Claimants shall be indemnified,—

(a) For all special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight when due or payable.

(b) For Demurrage, according to the Schedule annexed to the present Article.

(c) For any Deterioration of the Cargo.

(d) For all Premium of Insurance on additional Risks.

Further,—The Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnifications shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be paid at the Rate of Exchange current at the Time of the Award.

The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without Recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expences consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

100	Tons	to	120	inclusive	-	-	£ 5 *per Diem.*
121	„		150	„	-	-	6 „
151	„		170	„	-	-	8 „
171	„		200	„	-	-	10 „
201	„		220	„	-	-	11 „
221	„		250	„	-	-	12 „
251	„		270	„	-	-	14 „
271	„		300	„	-	-	15 „

And so in proportion.

ARTICLE VIII.—Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

ARTICLE IX.—The Two High Contracting Parties have agreed, that in the event of the Death, Sickness, Absence on Leave, or other legal Impediment, of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Post of such Judge or of such Arbitrator shall be supplied *ad interim* in the following Manner:—

First,—On the Part of Her *Britannic* Majesty, and in that Court which shall sit within the Possessions of Her said

Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Secondly,—On the Part of *Great Britain*, and in that Court which shall sit within the Possessions of the Republic of *Bolivia*, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of *British* Arbitrator shall be filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul or *British* Vice Consul appointed to and resident in such Possession; and if the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and a *British* Vice Consul appointed to and resident in such Possession; and if there shall be no *British* Consul or *British* Vice Consul to fill the Place of *British* Arbitrator, then the *Bolivian* Arbitrator shall be called in in those Cases in which a *British* Arbitrator, if there were any, would be called in; and in case the Vacancy be both of the *British* Judge and *British* Arbitrator, and there be neither *British* Consul nor *British* Vice Consul to fill *ad interim* the Vacancies, then the *Bolivian* Judge and *Bolivian* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Thirdly,—On the Part of the Republic of *Bolivia*, and in that Court which shall sit within the Territories of the said Republic, if the Vacancy be that of the *Bolivian* Judge, his Place shall be filled by the *Bolivian* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *Bolivian* Arbitrator, the Place of such Arbitrator shall be filled successively by the highest Civil Authority resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the highest Civil Authority; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Fourthly,—On the Part of the Republic of *Bolivia*, and in that Court which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Bolivian* Judge, his Place shall be filled by the *Bolivian* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *Bolivian* Arbitrator, the Place of Arbitrator shall be filled successively by the *Bolivian* Consul and *Bolivian* Vice Consul,

if there be a *Bolivian* Consul or Vice Consul appointed to and resident in such Possession; and if the Vacancy be both of the *Bolivian* Judge and of the *Bolivian* Arbitrator, then the Vacancy of the *Bolivian* Judge shall be filled by the *Bolivian* Consul, and that of the *Bolivian* Arbitrator by the *Bolivian* Vice Consul, if there be a *Bolivian* Consul and a *Bolivian* Vice Consul appointed to and resident in such Possession; and in the Case in which there be no *Bolivian* Consul or Vice Consul to fill the Place of *Bolivian* Arbitrator, then the *British* Arbitrator shall be called in in those Cases in which a *Bolivian* Arbitrator would be called in; and in case the Vacancy be both of the *Bolivian* Judge and *Bolivian* Arbitrator, and there be neither *Bolivian* Consul nor *Bolivian* Vice Consul to fill *ad interim* the Vacancies, then the *British* Judge and *British* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

The highest Civil Authority of the Settlement wherein either of the Mixed Courts of Justice shall sit shall, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, forthwith give Notice of the same to the highest Civil Authority of the nearest Settlement of such other High Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Courts from Death, or from any other Cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this Day, the Twenty-fifth of *September* of One thousand eight hundred and forty, that the preceding Regulations, consisting of Nine Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

The Twenty-fifth Day of *September* of One thousand eight hundred and forty.

(L. S.) *Belford Hinton Wilson.*
(L. S.) *Jose Mª Linares.*

ANNEX (C.)

Regulations for the good Treatment of liberated Negroes.

ARTICLE I.—The Object and Spirit of these Regulations is, to secure to Negroes liberated by virtue of the Stipulations of the Treaty to which these Regulations form an Annex, marked (C.), permanent good Treatment, and full and complete Freedom, in conformity with the humane Intentions of the High Contracting Parties.

ARTICLE

ARTICLE II.—Immediately after Sentence of Condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a Vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such Vessel, and who were brought on board for the Purpose of Traffic, shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

ARTICLE III.—If the Cruiser which made the Capture is *British*, the *British* Government engages that the Negroes shall be treated in exact Conformity with the Laws in force in the *British* Colonies for the Regulation of free or of emancipated Negroes.

ARTICLE IV.—If the Cruiser which made the Capture is *Bolivian*, then the Negroes shall be delivered over to the *Bolivian* Authorities of that Place in the Dominions of the Republic of *Bolivia* in which the Mixed Court of Justice is established; and the *Bolivian* Government solemnly engages that such Negroes shall there be treated strictly according to the Regulations actually in force in the Republic of *Bolivia* with respect to free Negroes, or according to such Regulations as may in future be established in the Republic of *Bolivia* in this respect; and which Regulations shall always have in view the humane Object of securing honestly and faithfully to emancipated Negroes the unmolested Enjoyment of their Liberty, good Treatment, a Knowledge of the Tenets of the Christian Religion, Advancement in Morality and Civilization, and sufficient Instruction in the mechanical Arts in order that the said emancipated Negroes may be enabled to earn their own Subsistence, whether as Artizans, Mechanics, or Servants.

ARTICLE V.—For the Purpose which is explained in Article VI. there shall be kept in the Office of the principal Civil Authority of the Part of the Possessions of the Republic of *Bolivia* where the Mixed Court of Justice resides, a Register of all emancipated Negroes, in which shall be entered with scrupulous Exactness the Names given to the Negroes, the Names of the Vessels in which they were captured, the Names of the Persons to whose Care they have been committed, and any other Circumstances likely to contribute to the End in view.

ARTICLE VI.—The Register to which the preceding Article refers will serve to form a general Return, which the highest Civil Authority of that Part of the Possessions of the Republic of *Bolivia* where the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid Mixed Commission, in order to show the Existence of the Negroes emancipated under this Treaty, the Improvement made in their Condition, and the Progress made in their religious and moral Instruction and in the Arts of Life. The aforesaid Return shall also

also specify the Names and Descriptions of such of the emancipated Negroes as shall have died during the Period for which the Return is made up.

ARTICLE VII.—The High Contracting Parties agree, that if in future it should appear necessary to adopt new Measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other Means better adapted for the complete Attainment of the Objects proposed.

ARTICLE VIII. — The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this Day, the Twenty-fifth of *September* One thousand eight hundred and forty, that this Annex, consisting of Eight Articles, shall be united to the said Treaty, and be considered an integral Part thereof.

The Twenty-fifth Day of *September* of One thousand eight hundred and forty.

(L. S.) *Belford Hinton Wilson.*
(L. S.) *Jose Mª Linares.*

ARTICLES additional to the Treaty concluded this Twenty-fifth Day of *September* of One thousand eight hundred and forty, between Her *Britannic* Majesty and the Republic of *Bolivia*, for the Suppression of the Slave Trade.

ARTICLE I.—It is agreed and understood, that if there should be any Delay in appointing the Judge and the Arbitrator to be nominated on the Part of the Republic of *Bolivia* to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those Officers, after being appointed, should at any Time be absent, then and in either of such Cases the Judge and Arbitrator appointed on the Part of Her *Britannic* Majesty, and present in the said Courts, shall, in the Absence of the *Bolivian* Judge and Arbitrator, proceed to open the said Courts, and to adjudge such Cases as may be brought before them under the Treaty; and the Sentence pronounced upon such Cases by the said *British* Judge and Arbitrator shall have the same Force and Validity as if the Judge and the Arbitrator on the Part of *Bolivia* had been appointed and had been present and acting in the Mixed Courts in the Cases in question.

ARTICLE II.—It is also agreed, notwithstanding the Provisions of the First Article of the Annex (B.), that so long as no *Bolivian* Judge and Arbitrator are nominated it will be unnecessary for the Republic of *Bolivia* to nominate the Secretary or Actuary mentioned in the said Article; that in the meanwhile the Secretary or Actuary of the Court which may exist within the Territory of the Republic of *Bolivia* shall be named and paid by the Government of Her *Britannic* Majesty, and that the entire Expence of both the Courts to be established

under this Treaty shall be borne by the Government of Her *Britannic* Majesty.

ARTICLE III.—If, in the drawing up of this Treaty in the *Spanish* Language, any involuntary Error has been made in the Translation, the *English* Text is to be adhered to.

The present additional Articles shall form an integral Part of the Treaty for the Suppression of the Slave Trade signed this Day, and shall have the same Force and Validity as if they were inserted Word for Word in that Treaty, and shall be ratified, and the Ratifications shall be exchanged at the same Time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective Seals.

Done at *Sucre*, the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and forty.

(L.S.) *Belford Hinton Wilson.*
(L.S.) *Jose Mª Linares.*

And whereas the said Treaty has been ratified by and between Her Majesty and the Republic of *Bolivia* respectively: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the Treaty aforesaid, and the Articles additional thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Republic of *Bolivia*, who shall be duly instructed and authorized according to the several Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic of Slaves, or of having been engaged in such Traffic during the Voyage on which such Vessel is met, or of having been fitted out for the Purposes of such Traffic, and to detain and send or carry away such Vessel, together with its Master, Crew, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the said Treaty and the Articles additional thereto; and all such Commanders and other Officers of Her said Majesty's Ships, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, shall comply with the several Provisions and Instructions of the said Treaty and Articles which apply thereto respectively.

Commanders of Ships of War to exercise Right of searching Merchant Vessels liable to Suspicion, and suspected of being engaged in the Slave Trade.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects, which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or

Ships suspected of having been fitted out for

the Purposes of Traffic in Slaves liable to search.

or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by any Ship or Vessel of War of Her Majesty or of the Republic of *Bolivia*, duly authorized for that Purpose, according to the Stipulations of the said Treaty and Articles, and shall be subject to the Adjudication of and to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty and Articles.

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in the said Treaty and Articles mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Judges and Arbitrators shall examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty and Articles, as fully as if special Authorities for that Purpose were given in relation thereto in this Act.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint any Secretary or Registrar to the Mixed Court or Courts which shall be established in virtue of the said Treaty and Articles, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Courts, and to grant a Salary to any such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and any such Secretary or Registrar shall perform all the Duties of such Office set forth by the said Treaty and Articles, and do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

In case of the Death or Incapacity from Illness of any British Judge of such Courts, or of the British Arbitrator.

V. And be it enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such

Vacancy of the Office of the *British* Arbitrator of the Court established by virtue of the said Treaty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty, or until such Arbitrator shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the Republic of *Bolivia*, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled *ad interim* by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or *British* Vice Consul at such Place, then that it shall be lawful for the Arbitrator on behalf of the Republic of *Bolivia* to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the Judge and Arbitrator appointed by the Republic of *Bolivia* of such Court to sit alone in such Court; and in all Cases brought before them for Adjudication to adjudge the same, and to pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

The Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place, whether belonging to Her *Britannic* Majesty or to the Republic of *Bolivia*, in which the Court shall be established; which Oath any such Magistrate shall have Authority to administer in the Form following; (that is to say,)

Form of Oath.

'I *A.B.* do solemnly swear, That I will, according to the best of 'my Skill and Knowledge, act in the Execution of my Office 'as faithfully, impartially, fairly, and without 'Preference or Favour, either for Claimants or Captors or any 'other Persons; and that I will, to the best of my Judgment and 'Power, act in pursuance of and according to the Stipulations, 'Regulations, and Instructions contained in the Treaty and Articles 'additional thereto between Her Majesty and the Republic of 'Bolivia, signed at *Sucre* on the Twenty-fifth Day of *September* 'One thousand eight hundred and forty.'

And

Secretary or Registrar to take Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and Articles, and of this Act, shall, before he enters on the Duties of his said Office, take an Oath before one of the Judges of the said Court, who shall have Authority to administer the same, in the following Form; (that is to say,)

'I *A. B.* do solemnly swear, That I will, according to the best of 'my Skill and Knowledge, act in the Execution of my Office; and 'that I will conduct myself with Respect to the Authority of the 'Judges and Arbitrators of the Court to which I am attached, and 'will act with Fidelity in all the Affairs which may belong to my 'Charge, and without Preference or Favour, either for Claimants or 'Captors or any other Persons.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the course of any Proceeding before the said Judges or Arbitrators under the said Treaty and Articles, and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the Production of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken upon or in any Proceeding before the Judges or Arbitrators aforesaid under the said Treaty or Articles additional, or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo, or Slaves taken, seized, or detained by virtue of the said Treaty or Articles, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, and shall be a good and complete Bar in any Suit or Proceeding, whether brought or instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons

on

on board the same, in consequence of any thing done in pursuance of the Provisions of the said Treaty or Articles.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to HerMajesty.

X. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the Treaty or Articles herein-before mentioned, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized under the Provisions of the said Treaty or Articles to make such Seizure, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty of Five Pounds for every Slave found on board of Vessels seized and condemned.

XI. And be it enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty or Articles, a Bounty of Five Pounds of lawful Money of *Great Britain*, for every Slave, whether Man, Woman, or Child, who shall be seized and found on board a *British* or *Bolivian* Ship or Vessel taken and delivered over and condemned in pursuance of the Provisions of the said Treaty or Articles, and of this Act, such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as Her Majesty, Her Heirs and Successors, shall think fit to order, by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Bounties not liable to Payment of Fees.

XII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, on the Seizure of Slaves found on board any Ship or Vessel condemned in pursuance of the Provisions of this Act, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Mode of obtaining such Bounty.

XIII. Provided always, and be it enacted, That, in order to entitle the Captors to receive the said Bounty Money, the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Where Slaves taken shall not have been condemned, or shall not have been delivered over, the Treasury may allow

XIV. And be it enacted, That where any Slave, or Person treated, dealt with, carried, kept, or detained as a Slave, shall be taken or seized on board any *British* or *Bolivian* Ship or Vessel, in pursuance of the Provisions of the said Treaty and Articles, and of this Act, but shall not have been condemned, or shall not have been delivered over, in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to them in their Discretion it shall seem meet, by

One Moiety of the Bounty.

by Warrant, signed by any Three or more of them, to direct the Payment, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of a Sum not exceeding One Moiety of the Bounty which would have been due in each Case respectively if such Slave had been delivered over and condemned.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XV. Provided always, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Bolivian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty or Articles, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and enforce any Decrees or Sentences of the said Vice-Admiralty Courts relating to any such Seizure.

Regulations to which Prize Agents are liable extended to Bounties, &c. under this Act.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties now in force respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon, to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed, under the Provisions of this Act, to the Officers and Crews of any of Her Majesty's Ships or Vessels of War.

Where Judgment shall be given against the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Costs and Damages.

XVII. And be it enacted, That when any Seizure shall be made or Prosecution instituted, as or for the Violation of any of the Provisions of this Act, and Judgment shall be given against the Seizor or Prosecutor, or such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of such Costs, Damages, and Expences as the said Seizor or Prosecutor may be liable to pay in respect of such Seizure, or any proportionate Part thereof, and also such Costs and Expences as the said Seizor may have incurred in respect of such Seizure.

Treasury may direct Payment of any Sum awarded to be due on account of unlawful Seizures.

Liability of Seizors not taken away.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Sums of Money awarded by the Mixed Commission Courts to be due on account of any unlawful Seizure or Detention by any of Her Majesty's authorized Cruisers: Provided always, that nothing herein contained shall exempt the Seizor from his Liability to make good the Payments so made, when lawfully called upon by Order of the said Commissioners.

XIX. Pro-

XIX. Provided always, and be it enacted, That if any of the Things specified in the Eighth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Mixed Courts, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Mixed Court should not pronounce any Sentence of Condemnation.

No Compensation to be made when any Articles specified in the Eighth Article of the Treaty are found on board.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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which shall be provided with special Warrants and Orders, according to the Form in Annex (A.) to this Treaty, may visit such Merchant Vessels of either of the High Contracting Parties as may upon reasonable Grounds be suspected of being engaged in the aforesaid Traffic in Slaves, or of having been fitted out for that Purpose, or of having, during the Voyage on which they are met with by the said Cruisers, been engaged in the aforesaid Traffic; and that such Cruisers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner herein-after agreed upon.

But the above-mentioned Right of searching Merchant Vessels of either of the High Contracting Parties shall be exercised only by Ships of War whose Commanders shall have the Rank of Captain, or at least that of Lieutenant in the Navy, unless the Command shall by reason of Death or otherwise be held by an Officer of inferior Rank; and the Commander of such Ship of War shall be furnished with a Warrant according to the Form annexed to this Treaty, Letter (A.); and the said Right shall not be exercised within the *Mediterranean Sea*, nor within those Seas in *Europe* which lie without the *Straits of Gibraltar* and to the Northward of the Thirty-seventh Parallel of North Latitude, and within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*, nor in the *Gulf of Mexico* to the Northward of the Twenty-fifth Parallel of North Latitude, nor to the Westward of the Ninetieth Degree of Longitude West of *Greenwich*.

Article III.—Each of the High Contracting Parties reserves to itself the Right to fix according to its own Convenience the Number of Ships of its Navy which shall be employed on the Service mentioned in the Second Article of this Treaty, and the Stations on which such Ships shall cruise.

The Names of the Ships so to be employed and of their Commanders shall be communicated by each Contracting Party to the other; and Information shall be reciprocally given by each to the other when a Cruiser is moved from or to a cruising Station, in order that the necessary Warrants for the Cruisers may be delivered by the Government of either Party, as the Case may be, and may, when no longer wanted for Use under this Treaty, be returned to the Government which issued them by the Government which received them.

Article IV.—Immediately after the Government which employs the Cruisers shall have notified to the Government which is to authorize the Visit the Number and Names of the Cruisers intended to be employed, the Warrants authorizing the Visit shall be made out according to the Form annexed to this Treaty, Letter (A.), and shall be delivered by the Government authorizing the Visit to the Government employing the Cruiser.

In no Case shall the Right of mutual Visit be exercised upon the Ships of War of either Nation.

The High Contracting Parties shall agree upon a particular Signal to be used by those Cruisers exclusively which are invested with the Right of Visit.

ARTICLE V.—The Cruisers of the High Contracting Parties authorized to exercise the Right of Visit and Detention in execution of this Treaty shall, in all that relates to the Formalities of the Visit and of the Detention, as well as in regard to the Measures to be taken for delivering up to the proper Jurisdictions Vessels suspected of being engaged in the Slave Trade, conform strictly to the Instructions annexed to the present Treaty, Letter (B.)

The High Contracting Parties reserve to themselves the Power of making in these Instructions, by common Consent, any Alterations which Circumstances may render necessary.

The Cruisers of the High Contracting Parties shall afford to each other mutual Assistance on all Occasions when it may be useful that they should act in concert.

ARTICLE VI.—Whenever a Merchant Vessel navigating under the Flag of either of the Contracting Parties shall have been detained by a Cruiser of the other duly authorized to that Effect conformably to the Provisions of this Treaty, such Merchant Vessel, as also her Master, her Crew, her Cargo, and the Slaves who may be on board of her, shall be carried to such Place as shall have been appointed to that end by the Contracting Parties respectively, and they shall be delivered over to the Authorities appointed for that Purpose by the Government within whose Territory such Place shall be, to be proceeded against before the proper Tribunals, as herein-after directed.

When the Commander of the Cruiser shall not think proper to take upon himself to carry in and deliver up the detained Vessel, he shall not intrust that Duty to an Officer below the Rank of Lieutenant in the Navy, unless it be to the Officer who at the Time shall not be lower than Third in Command of the detaining Ship.

ARTICLE VII.—If the Commander of a Cruiser of either of the Contracting Parties shall have Reason to suspect that a Merchant Vessel navigating under Convoy of or in company with a Ship of War of the other Contracting Party has been engaged in the Slave Trade, or has been fitted out for the said Trade, he is to make known his Suspicions to the Commander of the Ship of War, who shall proceed alone to visit the suspected Vessel; and if the last-mentioned Commander shall find that the Suspicion is well founded, he shall cause the Vessel, together with her Master, her Crew, and the Cargo, and the Slaves who may be on board of her, to be taken into a Port of her own Nation, to be proceeded against before the proper Tribunals, as herein-after directed.

ARTICLE VIII.—As soon as any Merchant Vessel detained and sent in for Adjudication shall arrive at the Port to which she is

to

to be carried under the Provisions of Annex (B.) to this Treaty, the Commander of the Cruiser which shall have detained her, or the Officer appointed to bring her in, shall deliver to the Authorities appointed for that Purpose a Copy, signed by himself, of all the Lists, Declarations, and other Documents specified in the Instructions which are annexed to the present Treaty, Letter (B.); and the said Authorities shall in consequence proceed to a Survey of the detained Vessel and her Cargo, and to an Inspection of her Crew and of the Slaves who may be on board, after having previously given Notice of the Time of such Survey and Inspection to the Commander of the Cruiser, or to the Officer who shall have brought in the Vessel, in order that he, or some Person on his Behalf, may be present thereat.

A Declaration of these Proceedings shall be drawn up in Duplicate, signed by the Persons who shall have acted therein, or who shall have been present at the same; and one of the said Declarations shall be delivered to the Commander of the Cruiser, or to the Officer who shall have been appointed to bring in the detained Vessel.

Article IX.—Any Merchant Vessel of either of the High Contracting Parties which shall be visited and detained in pursuance of the Provisions of this Treaty shall, unless Proof be given to the contrary, be deemed to have been engaged in the *African* Slave Trade, or to have been fitted out for the Purposes of such Traffic, if any of the Particulars herein-after specified shall be found in her Outfit or Equipment, or to have been on board during the Voyage in which the Vessel was proceeding when captured; (*videlicet*,)

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary for Vessels engaged in lawful Trade.

Thirdly,—Spare Plank fitted for being laid down as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Receptacles for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared Outwards, stating that sufficient Security had been given by the Owners of such Vessels that such extra Quantity of Casks or of other Receptacles should only be used to hold Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighthly,—A Boiler or other cooking Apparatus of an unusual

unusual Size, and larger, or fitted for being made larger, than requisite for the Use of the Crew of the Vessel as a Merchant Vessel; or more than One Boiler or other cooking Apparatus of the ordinary Size.

Ninthly,—An extraordinary Quantity of Rice, of the Flour of *Brazil*, Manioc or Cassada, commonly called Farina, of Maize, or of *Indian* Corn, or of any other Article of Food whatever, beyond what might probably be requisite for the Use of the Crew; such Rice, Flour, Maize, *Indian* Corn, or other Article of Food not being entered in the Manifest as Part of the Cargo for Trade.

Tenthly,—A Quantity of Mats or Matting greater than is necessary for the Use of the Vessel as a Merchant Vessel.

Any One or more of these several Things, if proved to have been found on board or to have been on board during the Voyage on which the Vessel was proceeding when captured, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the *African* Slave Trade; and the Vessel shall thereupon be condemned, and be declared lawful Prize, unless clear and incontestable Evidence on the Part of the Master or Owners shall establish, to the Satisfaction of the Court, that such Vessel was, at the Time of her Detention or Capture, employed in some legal Pursuit, and that such of the several Things above enumerated as were found on board her at the Time of her Detention, or which had been put on board her during the Voyage on which she was proceeding when captured, were needed for legal Purposes on that particular Voyage.

Article X.—A Vessel detained as before mentioned, together with her Master, Crew, and Cargo, shall be forthwith proceeded against before the proper Tribunals of the Country to which she belongs, and shall be tried and adjudged by and according to the established Forms and Laws in force in that Country; and if in consequence of such Proceedings the said Vessel shall be found to have been employed in the *African* Slave Trade, or to have been fitted out for the Purposes thereof, the Vessel and her Equipments, and her Cargo of Merchandize, shall be confiscated, and the Master, the Crew, and the Accomplices shall be dealt with conformably to the Laws by which they have been tried.

If the said Vessel shall be confiscated, the Proceeds arising from her Sale shall, within Six Months from the Date of such Sale, be paid into the Hands of the Government of the Country to which the Captor belongs, to be distributed according to Law among the Officers and Crew of the capturing Ship.

Article XI.—If any of the Things specified in Article IX. of this Treaty shall be found on board or to have been on board of any Merchant Vessel during the Voyage on which the Vessel was proceeding when captured, no Compensation for Losses, Damages, or Expences consequent upon the Detention of such Vessel shall in any Case be granted either to her Master or to her Owner, or to any other Person interested in her Equipment

or Lading, even though Sentence of Condemnation should not be pronounced against her, in consequence of her Detention.

ARTICLE XII.—In all Cases in which a Vessel shall under this Treaty be detained as having been engaged in the *African* Slave Trade, or as having been fitted out for the Purposes thereof, and shall be adjudged and confiscated accordingly, the Government whose Cruiser detained the Vessel, or the Government by whose Tribunal the Vessel may be condemned, may purchase the condemned Vessel for the Use of its Navy, at a Price to be fixed by a competent Person to be chosen for that Purpose by the said Tribunal, the Government whose Cruiser detained the condemned Vessel having the first Choice of purchasing her; but if the condemned Vessel shall not be so purchased, the said Vessel shall, immediately after the Sentence of Confiscation, be broken up entirely, and shall be sold in separate Parts after having been so broken up.

ARTICLE XIII.—When a Merchant Vessel detained under this Treaty shall, upon Adjudication before the proper Tribunal, be held not to have been engaged in the *African* Slave Trade, and not to be fitted up for the Purposes thereof, she shall be restored to her lawful Owner or Owners; and if in the Course of Adjudication it shall be proved that she has been visited and detained illegally or without sufficient Cause of Suspicion, or if it shall be proved that the Visit and Detention have been attended with any Abuse or with vexatious Acts, the Commander of the Cruiser, or the Officer who shall have boarded the said Vessel, or the Officer who shall have been appointed to bring her in, and under whom (as the Case may be) the Abuse or vexatious Acts shall have been committed, shall be liable to Costs and Damages, to be paid to the Master and to the Owners of the Vessel and Cargo.

These Costs and Damages may be awarded by the Tribunal before which the Proceedings against the detained Vessel, her Master, Crew, and Cargo, shall have been instituted; and the Government of the Country to which the Officer whose Proceedings gave occasion for such Award belongs shall pay the Amount of the said Costs and Damages within the Period of One Year from the Date of the Award.

ARTICLE XIV.—If in the Visit or Detention of a Merchant Vessel under this Treaty any Abuse or Vexation shall have been committed, and if the Vessel shall not have been delivered over to the Jurisdiction of her own Nation, the Master of the Vessel shall make a Declaration on Oath of the Abuses or Vexations of which he has to complain, and of the Costs and Damages to which he lays claim; and this Declaration shall be made by him before the competent Authorities in the first Port of his own Country at which he may arrive, or before the Consular Agent of his own Nation at a Foreign Port, if the Vessel shall first proceed to a Foreign Port where there is such an Agent.

This Declaration shall be confirmed by an Examination upon Oath of the principal Persons among the Crew or Passengers who have witnessed the Visit or Detention; and a formal Statement of the whole shall be drawn up, and Two Copies thereof shall be delivered to the Master, who shall forward One of them to his own Government in support of his Claim for Costs and Damages.

It is understood, that if any Circumstances should unavoidably prevent the Master from making this Declaration, it may be made by the Owner, or by any other Person interested in the Vessel and in her Cargo.

On receiving officially a Copy of the formal Statement above mentioned the Government of the Country to which the Officer so charged with Abuses and Vexation shall belong shall forthwith institute an Inquiry into the Matter; and if the Complaint be proved to be valid, the said Government shall cause to be paid to the Master or Owner, or to any other Person interested either in the Vessel which has been molested or in her Cargo, the proper Amount of Costs and Damages.

ARTICLE XV.—The High Contracting Parties engage reciprocally to communicate each to the other, when asked to do so, and free of Expence, Copies of Proceedings instituted, and of Judgments given, relative to Vessels visited or detained in execution of the Provisions of this Treaty.

ARTICLE XVI.—The High Contracting Parties agree to insure the immediate Freedom of all Slaves who shall be found on board Vessels detained and condemned in virtue of the Stipulations of the present Treaty; and for this Purpose it is agreed that all Slaves found on board a *Texian* Vessel detained in the *West Indies* shall, if the Vessel be condemned by the *Texian* Tribunals, be delivered over by the *Texian* to the *British* Authorities, to be conveyed, at the Expence of the *British* Government, to some one of the *British* Colonies in the *West Indies*; and in regard to *Texian* Vessels detained on the Coast of *Brazil* or on the Coast of *Africa*, it is further agreed that, in order that any Slaves found on board such Vessels may not be exposed to the Sufferings which would attend a Voyage to *Texas*, such Slaves shall, notwithstanding any thing to the contrary in Articles VI. and VII. of this Treaty, be carried or sent at once by the Commander of the capturing Cruiser to one of the *British* Settlements on the Coast of *Africa*, the Vessel herself being sent on to *Galveston* for Adjudication.

ARTICLE XVII.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows:

(A.) Forms of Warrants to authorize, and of Orders to guide, the Cruisers of either Nation in making Visits and Detentions under this Treaty.

(B.) Instructions for the Cruisers of the respective Navies employed under this Treaty to prevent the *African* Slave Trade.

ARTICLE

ARTICLE XVIII.—The present Treaty, consisting of Eighteen Articles, shall be ratified, and the Ratifications thereof shall be exchanged in *London* in Nine Months from this Date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at *London*, the Sixteenth Day of *November* in the Year of our Lord One thousand eight hundred and forty.

(L.S.) *Palmerston.*
(L.S.) *J. Hamilton.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of TEXAS for the SUPPRESSION of AFRICAN SLAVE TRADE; signed at *London*, *November* the Sixteenth in the Year One thousand eight hundred and forty.

FORM I.—*Warrant in virtue of which a Cruiser of either of the High Contracting Parties may visit and detain a Merchant Vessel belonging to or bearing the Flag of the other, and suspected of African Slave Trade, or of being fitted out for it.*

Whereas by a Treaty between *Great Britain* and the Republic of *Texas*, signed at *London* on the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, for the total Extinction of the *African* Slave Trade, it was stipulated that certain Cruisers belonging to the said Countries respectively should be authorized, under the special Instructions thereto annexed, to visit and detain within particular Limits Merchant Vessels of the other Contracting Party engaged in the *African* Slave Trade, or suspected of being fitted out for that Traffic: And whereas the Government of has thought fit that the Vessel you command shall be one of the Cruisers furnished with the said special Instructions, and you will accordingly receive Instructions from the said Government for your Guidance on the said Service; you are therefore authorized and empowered by virtue of those Instructions and of this present Warrant to visit Merchant Vessels under the Flag suspected of being engaged in the *African* Slave Trade, within the Limits set forth in the Second Article of the aforesaid Treaty, and to deal with such Vessels as shall have engaged in the *African* Slave Trade, or shall be suspected of being fitted out for that Traffic, as pointed out in the said Treaty and in the Instructions thereunto annexed.

Given under our Hands and the Seal of the Office of Admiralty, this Day of One thousand eight hundred and .

(Signature.)

To the Commander of the Ship the .

FORM

FORM II.—*Order for the Guidance of the Commander of the Cruiser of either of the High Contracting Parties in visiting and detaining a Merchant Vessel belonging to or bearing the Flag of the other.*

Whereas by a Treaty between *Great Britain* and the Republic of *Texas*, signed at *London* on the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, for the total Extinction of the *African* Slave Trade, it was stipulated that certain Cruisers belonging to the said Countries respectively should be authorized under the special Instructions thereto annexed to visit and detain, within particular Limits, Merchant Vessels of the other Contracting Party engaged in the *African* Slave Trade, or suspected of being fitted out for that Traffic: And whereas we think fit that the Vessel you command shall be one of the Cruisers furnished with the said special Instructions; we herewith transmit to you a Copy of the said Treaty and of the Instructions thereto annexed; and you are accordingly authorized and empowered by virtue of this present Order and of the accompanying Warrant from the Government of to visit, within the Limits set forth in the Second Article of the aforesaid Treaty, Merchant Vessels under the Flag suspected of being engaged in the *African* Slave Trade, and to deal with such Vessels as shall have engaged in the said Traffic, or shall be suspected of being fitted out for that Traffic in the Manner pointed out in the said Treaty, Instructions, and Warrant; and we charge and require you to conform most strictly to all the Provisions and Stipulations contained therein, taking care to exercise the Authority so conferred upon you in the mildest Manner, and with every Attention which is due between allied and friendly Nations, and to co-operate cordially with the Commanders of any Vessels of War employed in the same Service.

Given under our Hands the Day of One thousand eight hundred and .

(Signature.)

To the Commander of the Ship the .

These Forms of Warrants and Orders shall be annexed to the Treaty signed this Day between *Great Britain* and the Republic of *Texas*, for the Suppression of *African* Slave Trade, and shall be considered as an integral Part of that Treaty.

In witness whereof the respective Plenipotentiaries have signed the present Annex, and have affixed thereto the Seals of their Arms.

Done at *London*, the Sixteenth Day of *November* in the Year of our Lord One thousand eight hundred and forty.

(L. S.) *Palmerston.*

(L. S.) *J. Hamilton.*

ANNEX (B.)

To the Treaty between *Great Britain* and the Republic of *Texas* for the Suppression of *African* Slave Trade, signed at *London*, *November* the Sixteenth in the Year One thousand eight hundred and forty.

Instructions to Cruisers.

First, — Whenever a Merchant Vessel belonging to or bearing the Flag of either of the High Contracting Parties to the Treaty of this Date shall be visited by a Cruiser of the other, the Officer commanding the Cruiser shall, before he proceeds to the Visit, exhibit to the Master of such Vessel the special Orders which confer upon him by Exception the Right to visit her; and he shall deliver to such Master a Certificate, signed by himself, specifying his Rank in the Navy of his Country, with the Name of the Ship which he commands, and declaring that the only Object of his Visit is to ascertain whether the Vessel is engaged in the *African* Slave Trade, or is fitted out for the Purpose of such Traffic, or has been engaged in the said Traffic during the Voyage in which she is met with by the said Cruiser. When the Visit is made by an Officer of the Cruiser other than her Commander, such Officer shall not be under the Rank of Lieutenant in the Navy, unless he be the Officer who at the Time is Second in Command of the Ship by which the Visit is made; and in these Cases such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned, signed by the Commander of the Cruiser, and shall likewise deliver to such Master a Certificate, signed by himself, specifying the Rank which he holds in the Navy of his Country, the Name of the Commander under whose Orders he is acting, the Name of the Cruiser to which he belongs, and the Object of his Visit, as hereinbefore recited.

If it shall be ascertained by the Visit that the Ship's Papers are regular and her Proceedings lawful, the Officer shall certify upon the Log Book of the Vessel that the Visit took place in virtue of the special Orders above mentioned, and these Formalities having been completed the Vessel shall be permitted to continue her Course.

Secondly,—If, in consequence of the Visit the Officer commanding the Cruiser shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the *African* Slave Trade, or has been fitted out for that Traffic, or has been engaged in that Traffic during the Voyage in which she is met with by the Cruiser, and if he shall in consequence determine to detain her, and to have her delivered up for Adjudication, he shall forthwith cause a List to be made out in duplicate of all the Papers found on board; and he shall sign this List and the Duplicate, adding after his own Name his Rank in the Navy and the Name of the Vessel under his Command.

He shall in like Manner make out and sign in Duplicate a Declaration stating the Place and Time of the Detention,

the Name of the Vessel and that of her Master, the Names of the Persons composing her Crew, and the Number and Condition of the Slaves found on board.

This Declaration shall further contain an exact Description of the State of the Vessel and of her Cargo.

Thirdly,—The Commander of the Cruiser shall without Delay carry or send the detained Vessel, with her Master, Crew, Passengers, Cargo, and the Slaves found on board, to one of the Ports or Places herein-after specified, in order that Proceedings may be instituted in regard to them conformably to the Laws of the Country under whose Flag the Vessel is sailing; and he shall deliver the same to the competent Authorities, or to the Persons who shall have been specially appointed for that Purpose by the Government within whose Territory such Port or Place shall be.

Fourthly,—No Person whatever shall be taken out of the detained Vessel, nor shall any Part of her Cargo nor any of the Slaves found on board be removed from her, until after such Vessel shall have been delivered over to the Authorities of her own Nation, excepting in the Cases otherwise provided for in the Treaty to which these Instructions form an Annex or in the present Instructions, or unless the Removal of the Whole or of Part of the Crew or of the Slaves found on board shall be deemed necessary, either for the Preservation of their Lives or from any other Consideration of Humanity, or for the Safety of the Persons who shall be charged with the Navigation of the Vessel after her Detention; in any such Case the Commander of the Cruiser, or the Officer appointed to bring in the detained Vessel, shall make a Declaration of such Removal, in which he shall specify the Reasons for the same; and, except as otherwise provided for with respect to Slaves in the said Treaty or in these Instructions, the Master, Sailors, Passengers, or Slaves so removed shall be carried to the same Port or Place as the Vessel and her Cargo, and they shall be received in the same Manner as the Vessel, agreeably to the Regulations herein-after set forth.

Fifthly,—All *Texian* Vessels which shall be detained by the Cruisers of *Great Britain* in consequence of being engaged in the *African* Slave Trade shall be carried and delivered up to the *Texian* Jurisdiction at *Galveston;* but any Slaves found on board of *Texian* Vessels detained on the Coast of *Brazil* or on the Coast of *Africa*, whether by a *British* or by a *Texian* Cruiser, under the Treaty to which the Instructions form an Annex, shall at once be carried or sent by the Commander of the capturing Cruiser to one of the *British* Settlements on the Coast of *Africa;* and any Slaves found on board of *Texian* Vessels detained in the *West Indies*, whether by a *British* or a *Texian* Cruiser, under the Treaty to which these Instructions form an Annex, shall, together with the Vessel so detained, be carried and delivered up to the *Texian* Authorities at *Galveston*, to be disposed of after Adjudication according to the Provisions of the said Treaty.

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All *British* Vessels which shall be detained by the Cruisers of *Texas* in consequence of being engaged in the *African* Slave Trade shall, together with the Slaves found on board, be carried and delivered up to the *British* Jurisdiction at *Bathurst* on the River *Gambia* if taken off the Coast of *Africa*, or at *Port Royal* in *Jamaica* if taken in the *West Indies*.

Sixthly,—As soon as a Merchant Vessel which shall have been detained as aforesaid shall arrive at one of the Ports or Places above mentioned, the Commander of the Cruiser, or the Officer appointed to bring in such detained Vessel, shall forthwith deliver to the Authorities duly appointed for that Purpose by the Government within whose Territory such Place shall be the Vessel and her Cargo, together with the Master, Crew, and Passengers, and the Slaves found on board, unless such Slaves shall have been carried or sent to another Port or Place as herein-before directed, and also the Papers which shall have been seized on board the Vessel, and one of the Duplicate Lists of the said Papers, retaining the other in his own Possession. Such Officer shall at the same Time deliver to the said Authorities one of the Declarations made out in duplicate, as herein-before specified, adding thereto a Statement of any Changes which may have taken place from the Time of the Detention of the Vessel to that of the Delivery, as well as a Copy of the Statement of any Removals which may have taken place as above provided for.

In delivering over these several Documents the Officer shall make, in Writing and on Oath, an Attestation of their Truth.

Seventhly,—If the Commander of a Cruiser of either of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have Reason to suspect that a Merchant Vessel sailing under Convoy of or in company with a Ship of War of the other Party is engaged in the *African* Slave Trade, or has been fitted out for the Purpose of that Traffic, or has been engaged in the said Traffic during the Voyage in which she is met with by the said Cruiser, he shall confine himself to communicating his Suspicions to the Commander of the Ship of War, and he shall leave it to the latter to proceed alone to visit the suspected Vessel, and to deliver her up to the Jurisdiction of her own Country, if there should be Cause for doing so.

These Instructions shall be annexed to the Treaty signed this Day between *Great Britain* and the Republic of *Texas* for the Suppression of *African* Slave Trade, and shall be considered as an integral Part of that Treaty.

In witness whereof the respective Plenipotentiaries have signed the present Annex, and have affixed thereto the Seals of their Arms.

Done at *London*, the Sixteenth Day of *November* in the Year of our Lord One thousand eight hundred and forty.

(L.S.) *Palmerston.*
(L.S.) *J. Hamilton.*

And

And whereas the said Treaty was ratified by and between Her Majesty and the Republic of *Texas*, and such Ratifications were exchanged at *London* on the Eighteenth Day of *June* in the Year of our Lord One thousand eight hundred and forty-two: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the Treaty aforesaid, and the Articles additional thereto; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Republic of *Texas*, who shall be duly instructed and authorized according to the several Provisions of the said Treaty, and within the Waters therein described, to visit and search any Merchant Vessel of either of the said Two Nations liable to Suspicion, and suspected of having engaged in or of having been employed in the Slave Trade, or of having been fitted out for the Purposes of such Traffic, according to the several Provisions and Instructions of the said Treaty, and upon sufficient Grounds to detain, and send or carry away, and deliver over without Delay any such Vessel, together with its Master, Crew, Passengers, Slaves, and Cargo, to the Authorities appointed for the Purposes of the said Treaty by the respective Governments of the said Two Nations, and to one of the Jurisdictions in the said Instructions mentioned, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries; and all such Commanders of Her said Majesty's Ships, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, shall comply with the several Provisions and Instructions of the said Treaty and Articles which apply thereto respectively.

Commanders of Ships of War to exercise Right of searching Merchant Vessels liable to Suspicion and suspected of being engaged in the Slave Trade.

II. And be it enacted, That where any such Officer of the Republic of *Texas* shall send, carry, or deliver over as aforesaid any such Merchant Vessel wholly or in part owned by any Subject or Subjects of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, every Proceeding instituted in the Tribunals herein-after mentioned in regard to such Merchant Vessel and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be detained by the Cruisers of the Republic of *Texas* and delivered up to the Jurisdiction of Her Majesty at *Bathurst* on the River *Gambia* shall be proceeded against and adjudicated in the Vice Admiralty Court at *Sierra Leone*, and that all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruisers of the Republic of *Texas* and delivered up to the Jurisdiction of Her Majesty either at *Jamaica*, *Cape of Good Hope*, or *Demerara* shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively shall be authorized to take cognizance thereof accordingly.

In case of Officers of the Republic of Texas detaining British Vessels, Proceedings to be conducted in the Name of Her Majesty.

Vessels detained in pursuance of the Treaty to be held as engaged in the Slave Trade.

III. And be it enacted and declared, That any such Merchant Vessel wholly or in part owned as last aforesaid, visited and detained in pursuance of the said Treaty, shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and equipped and employed in the Objects declared unlawful by an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, if any of the Particulars specified in the Ninth Article of the said Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty shall be found in her Outfit or Equipment or on board of her.

5 G. 4. c. 113.

Where a British Vessel is seized by an Officer of the Republic of Texas, Proceeds may be apportioned according to Tenth Article of Treaty.

IV. And be it enacted, That in case any such Merchant Vessel wholly or in part owned as last aforesaid shall be seized by any Officer of the Republic of *Texas* duly authorized, and shall, with the Goods, Wares, and Merchandize laden therein, be confiscated according to the Laws of this Country and the Provisions of the said Treaty, it shall be lawful for Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* to direct the Proceeds arising from the Sale thereof to be paid into the Hands of the Government of the Republic of *Texas*, according to the Provisions of the Tenth Article of the said Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty; and the Proceeds arising from the Sale of any Ship and Cargo agreed to be paid into the Hands of the Government of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Tenth Article as aforesaid, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* may appoint to receive the same, to and for the Use of the Captors, according to the Provisions of the said Tenth Article; and the same, after deducting all necessary Expences, shall be distributed amongst the Officers and Crew of the capturing Ship in the Manner hereafter directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

V. And be it enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Slave, whether Man, Woman, or Child, who shall be seized and found on board a *British* or *Texian* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of Her Majesty's Treasury, and to be distributed amongst the Captors aforesaid, in such Manner and Proportions as Her Majesty, Her Heirs and Successors, shall think fit to order, by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

VI. And

VI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, on the Seizure of Slaves found on board any Ship or Vessel condemned in pursuance of the Provisions of this Act, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description. Bounties not liable to Payment of Fees.

VII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Numbers of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves. Mode of obtaining such Bounty.

VIII. And be it enacted, That where any Slave, or Person treated, dealt with, carried, kept, or detained as a Slave, shall be taken or seized on board any *British* or *Texian* Ship or Vessel in pursuance of the Provisions of the said Treaty and of this Act, but shall not have been condemned, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of a Sum not exceeding One Moiety of the Bounty which would have been due in each Case respectively if such Slave had been delivered over and condemned. Where Slaves taken shall not have been condemned or shall not have been delivered over, the Treasury may allow One Moiety of the Bounty.

IX. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Texian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure. Parties *claiming Benefit under this Act may resort to the Court of* Admiralty.

X. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich Hospital*, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships or Vessels of War. Regulations to which Prize Agents are liable extended to Bounties, &c. under this Act.

XI. And be it enacted, That where any illegal Visit and Detention, or any Visit and Detention without sufficient Cause of Suspicion, or Where illegal Detention is made.

the Lords of the Treasury may award Compensation.

or any Abuse or Vexation, shall have taken place and have been made by any Officer of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, mentioned in the Thirteenth Article of the said Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, it shall be lawful for the said Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be awarded: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Where Judgment shall be given against the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Seizor's Costs.

XII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, and Judgment shall be given against the Seizor, or such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the said Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XVI.

An Act for carrying into effect the Treaty between Her Majesty and the Oriental Republic of the *Uruguay* for the Abolition of the Slave Trade.

[11th *April* 1843.]

WHEREAS on the Thirteenth Day of *July* in the Year of our Lord One thousand eight hundred and thirty-nine a Treaty was concluded and signed at *Monte Video* between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Oriental Republic of the *Uruguay*, for the Abolition of the Slave Trade, whereby it was agreed as follows:

ARTICLE I.—The Slave Trade of the Oriental Republic of the *Uruguay* is hereby formally declared to be henceforward totally and finally abolished in all Parts of the World.

ARTICLE II.—The President of the Oriental Republic of the *Uruguay* hereby engages that immediately after the Exchange of the Ratifications of the present Treaty, and from Time to Time afterwards, as it may become needful, he will take the most effectual Measures for preventing the Citizens of the Oriental Republic of the *Uruguay* from being concerned and the Flag of that Republic from being used in carrying on in any way the Trade in Slaves, and especially that within Two Months after the said Exchange he will promulgate throughout

throughout the Territories of the Oriental Republic of the *Uruguay* a penal Law inflicting a Punishment the most severe on all those Citizens of that Republic who shall, under whatsoever Pretext, take any Part whatever in the Traffic in Slaves.

ARTICLE III.—His Excellency the President of the Oriental Republic of the *Uruguay* also engages, that in further pursuance of the Stipulation contained in the First Article of this Treaty he will take the necessary Means for assimilating as soon as possible the Laws of the Oriental Republic of the *Uruguay* to those of *Great Britain* in as far as regards the Crime of Slave Trading; and Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and his Excellency the President of the Oriental Republic of the *Uruguay* hereby mutually engage, that by an additional Convention hereafter to be concluded between the Two High Contracting Parties to the present Treaty they will concert and settle the Details of the Measures by which the Law of Piracy which will then become applicable to that Traffic, by the Legislation of each of the Two Countries, shall be immediately and reciprocally carried into execution with respect to the Vessels and Subjects or Citizens of each.

ARTICLE IV.—In order more completely to prevent all Infringement of the Spirit of the present Treaty, the Two High Contracting Parties mutually consent that those Ships of their Navies respectively which shall be provided with special Instructions for that Purpose as herein-after mentioned may visit such Merchant Vessels of the Two Nations as may be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for the Purposes thereof, or of having during the Voyage on which they are met with by the said Cruisers been engaged in the Traffic in Slaves, contrary to the Provisions of this Treaty, and that such Cruisers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner herein-after agreed upon.

ARTICLE V.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution it is agreed,—

First,—That all Ships of the Navies of the Two Nations which shall be hereafter employed to prevent the Traffic in Slaves shall be furnished by their respective Governments with a Copy, in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions for Cruisers annexed thereto, *sub literâ* (A.), and of the Regulations for the Mixed Courts of Justice annexed thereto, *sub literâ* (B.), which Annexes respectively shall be considered as an integral Part of the Treaty.

Secondly,—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders.

Thirdly,—

Thirdly,—That if at any Time there shall be just Cause to suspect that any Merchant Vessel, under the Flag and proceeding under Convoy of any Ship or Ships of War of either of the Contracting Parties, is engaged or intended to be engaged in the Traffic in Slaves, or is fitted out for the Purposes thereof, or has during the Voyage on which she may be met with been engaged in the Traffic in Slaves, it shall be lawful for the Commander of any Ship of the Navy of either of the Two High Contracting Parties furnished with such Instructions as aforesaid to visit such Merchant Vessel, and such Commander shall proceed to effect the same in communication with the Commanding Officer of the Convoy, who it is hereby agreed shall give every Facility to such Visit, and to the eventual Detention of such Merchant Vessel, and in all things shall assist to the utmost of his Power in the due Execution of the present Treaty, according to the true Intent and Meaning thereof.

Fourthly,—And it is further mutually agreed, that the Commanders of the Ships of the Two Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of the aforesaid Instructions.

Article VI.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects or Citizens may incur by the arbitrary and illegal Detention of their Vessels, it being understood that this Indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention, and that the Visit and Detention of Vessels specified in the Fourth Article of this Treaty shall only be effected by those *British* or *Monte-Videan* Ships which may form Part of the Navies, Royal and National respectively, of the Two High Contracting Parties to the Treaty, and by those only of such Ships which are provided with the special Instructions annexed to the present Treaty, in pursuance of the Provisions thereof.

Article VII.—In order to bring to Adjudication with as little Delay and Inconvenience as possible the Vessels which may be detained according to the Tenor of the Fourth Article of this Treaty, there shall be established, within the Space of a Year at furthest from the Exchange of the Ratifications of the present Treaty, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations, named for this Purpose by the Two High Contracting Parties respectively.

These Courts shall reside, one in a Possession belonging to Her *Britannic* Majesty, the other within the Territories of the Oriental Republic of the *Uruguay;* and the Two Governments, at the Period of the Exchange of the Ratifications of the present Treaty, shall declare, each for its own Territories, in what Places the Courts shall respectively reside, each of the Two High Contracting Parties reserving to itself the Right of changing at its Pleasure the Place of Residence of the Court held within its own

own Territories: Provided, however, that one of the Two Courts shall always be held upon the Coast of *Africa*, and the other in one of the Possessions of the Oriental Republic of the *Uruguay*.

These Courts shall judge the Causes submitted to them according to the Provisions of the present Treaty, without Appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral Part thereof.

ARTICLE VIII.—In case the Commanding Officer of any of the Ships of the Navies of *Great Britain* and *Monte Video* respectively, duly commissioned according to the Provisions of the Fourth Article of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation, and in such case the Government to which such Commanding Officer may belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which may have been committed.

ARTICLE IX.—It is hereby further mutually agreed, that every Merchant Vessel, *British* or *Monte-Videan*, which shall be visited by virtue of the present Treaty, may lawfully be detained and sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; namely,

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold or on Deck in a greater Number than are necessary for Vessels engaged in lawful Trade.

Thirdly,—Spare Plank fitted for laying down as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared Outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or other Vessels should only be used for the Reception of Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighthly,—A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

Ninthly,—An extraordinary Quantity either of Rice, of the Flour of *Brazil*, Manioc or Cassada, commonly called Farinha, of Maize or of *Indian* Corn, beyond what might probably be requisite for the Use of the Crew, such Rice, Flour, Maize, or *Indian* Corn not being entered on the Manifest as Part of the Cargo for Trade.

Any One or more of these several Circumstances, if proved, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade; and unless it be established by satisfactory Evidence upon the Part of the Master or Owners that such Vessel was at the Time of her Detention or Capture employed in some legal Pursuit, the Vessel shall thereupon be condemned and declared lawful Prize.

Article X.—If any of the Things specified in the preceding Article shall be found in any Merchant Vessel, no Compensation for Losses, Damages, or Expences consequent upon the Detention of such Vessel shall in any Case be granted either to her Master or to her Owner, or to any other Persons interested in her Equipment or Lading, even though the Mixed Court of Justice should not pronounce any Sentence of Condemnation in consequence of her Detention.

Article XI.—It is hereby agreed between the Two High Contracting Parties, that in all Cases in which a Vessel shall be detained under this Treaty by their respective Cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the Purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said Vessel shall, immediately after its Condemnation, be broken up entirely, and shall be sold in separate Parts after having been so broken up.

Article XII.—Each of the Two High Contracting Parties most solemnly binds itself to guarantee the Liberty of the Negroes who may be emancipated under the present Treaty by the Mixed Courts of Justice sitting within the Colonies or Possessions of such Government, and to afford from Time to Time, and whenever demanded by the other Party, or by the Members of the Mixed Court of Justice by whose Sentence the Slaves shall have been liberated, the fullest Information as to the State and Condition of such Negroes, with a view of ensuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations annexed to this Treaty *sub literâ* (C.), as to the Treatment of Negroes liberated by Sentence of the Mixed Court of Justice, have been drawn up, and are declared to form an integral Part of this Treaty, the Two High Contracting Parties reserving to themselves the Right to alter by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

ARTICLE XIII.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows:

(a) Instructions for the Ships of the Navies of both Nations destined to prevent the Traffic in Slaves.

(b) Regulations for the Mixed Courts of Justice which are to hold their Sittings on the Coast of *Africa* and in one of the Possessions of the Oriental Republic of the *Uruguay*.

(c) Regulations as to the Treatment of liberated Negroes.

ARTICLE XIV.—The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications thereof exchanged, within the Space of Eight Months from this Date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate Originals, *English* and *Spanish*, the present Treaty, and have thereunto affixed the Seal of their Arms.

Done at *Monte Video* this Thirteenth Day of *July* in the Year of our Lord One thousand eight hundred and thirty-nine.

(L. S.) *J. H. Mandeville.*
(L. S.) *Jose Ellauri.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN and the ORIENTAL REPUBLIC of the URUGUAY for the ABOLITION of the SLAVE TRADE of the ORIENTAL REPUBLIC of the URUGUAY, of the Thirteenth *July* One thousand eight hundred and thirty-nine.

Instructions for the Ships of the British and Monte-Videan Navies employed to prevent the Traffic in Slaves.

ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty or of the Oriental Republic of the *Uruguay*, which shall be furnished with these Instructions, shall have a Right to visit, search, and detain any *British* or *Monte-Videan* Merchant Vessel which shall be actually engaged or suspected to be engaged in the Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage on which she may be met with by such Ship of the *British* or *Monte-Videan* Navy; and such Commander shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment before that one of the Two Mixed Courts of Justice established in virtue of the Seventh Article of the said Treaty, which shall be nearest to the Place of Detention, or which such Commander shall, upon his own Responsibility, think can be soonest reached from such Place.

All and every Vessel under the Oriental Flag which shall be actually engaged or suspected to be or to have been engaged

in the Slave Trade is to be considered an Oriental Vessel, it being mutually understood and agreed that this is not to serve as a Precedent as to what shall constitute an Oriental Vessel in the Discussions which may hereafter be resumed for the Negotiation of a Treaty of Commerce.

ARTICLE II.—Whenever a Ship of either of the said Navies, duly authorized as aforesaid, shall meet a Merchantman liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of Lieutenant in the Navies of *Great Britain* and of the Oriental Republic of the *Uruguay* respectively, or by the Officer who at the Time shall be Second in Command of the Ship by which such Search is made.

ARTICLE III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid, who may detain any Merchant Vessel in pursuance of the Tenor of the present Instructions, shall leave on board the Vessel so detained the Master, the Mate or Boatswain, and Two or Three at least of the Crew thereof, the whole of the Slaves, if any, and all the Cargo.

The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Vessel, such Declaration to be signed by himself, and to be given in or sent, together with the captured Vessel, to the Mixed Court of Justice before which such Vessel shall be carried for Adjudication. He shall deliver to the Master of the detained Vessel a signed Certificate of the Papers seized on board the same, as well as of the Number of Slaves found on board at the Moment of Detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the Certificate of the Papers seized, he shall insert his own Name, the Name of the capturing Ship, the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board of the Vessel at the Time of the Detention.

The Officer in charge of the Vessel detained shall, at the Time of bringing the Vessel's Papers into the Mixed Court of Justice, deliver into the Court a Paper, signed by himself, and verified on Oath, stating the Changes which have taken place in respect to the Vessel, her Crew, the Slaves, if any, and her Cargo, between the Period of her Detention and the Time of delivering in such Paper.

ARTICLE IV.—The Slaves shall not be disembarked till after the Vessel which contains them shall have arrived at the Place of Adjudication, in order that, in the event of her not being adjudged legal Prize, the Loss of the Proprietors may be more easily repaired; and even after the Arrival of the Slaves at such Place, they are not to be landed without the Permission of the Mixed Court of Justice.

But

But if urgent Motives, deduced from the Length of the Voyage, the State of Health of the Slaves, or from other Causes, should require that either the Whole or a Portion of the Negroes should be disembarked before the Vessel can arrive at the Place at which one of the said Courts is established, the Commander of the capturing Ship may take upon himself the Responsibility of so disembarking the Negroes; provided that such Necessity, and the Causes thereof, be stated in a Certificate in proper Form, and that this Certificate shall be drawn up and entered at the Time on the Log Book of the detained Vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this Day, the Thirteenth of *July* One thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of Four Articles, shall be annexed to the said Treaty, and be considered an integral Part thereof.

Done at *Monte Video*, the Thirteenth Day of *July* One thousand eight hundred and thirty-nine.

(L. S.) *J. H. Mandeville.*
(L. S.) *Jose Ellauri.*

ANNEX (B.)

To the TREATY between GREAT BRITAIN and the ORIENTAL REPUBLIC of the URUGUAY, for the ABOLITION of the Slave Trade of the ORIENTAL REPUBLIC of the URUGUAY, of the Thirteenth Day of *July* One thousand eight hundred and thirty-nine.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the Possessions of the Oriental Republic of the Uruguay.

ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty of which these Regulations are declared to be an integral Part shall be composed in the following Manner:

The Two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them. The Judges and the Arbitrators shall, before entering upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Places in which such Courts respectively shall reside, that they will judge fairly and faithfully, that they will have no Preference either for the Claimants or the Captors, and that they will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Government of the Country within the Territories of which such Court shall reside. Such Secretary or Registrar shall register all the Acts of

of such Court, and shall, previous to entering upon his Office, make Oath before the Court to which he is appointed, that he will conduct himself with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his said Office. The Salary of the Secretary or Registrar of the Court to be established on the Coast of *Africa* shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Possessions of the Oriental Republic of the *Uruguay* by the Government of that Republic.

Each of the Governments shall defray Half of the aggregate Amount of the incidental Expences of such Courts.

Article II.—The Expences incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall, in case of Condemnation, be defrayed from the Funds arising from the Sale of the Materials of the Vessel after the same shall have been broken up, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize; and in case the Proceeds arising from this Sale should not prove sufficient to defray such Expences, the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expences occasioned by bringing her to Adjudication shall be defrayed by the Captor, excepting in the Cases specified and otherwise provided for under Article X. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

Article III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain. These Courts shall judge definitively, and without Appeal, all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of these Courts shall take place as summarily as possible, and for this Purpose the Courts are required to decide each Case, as far as may be practicable, within the Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, whether on account of the Absence of Witnesses, or for any other Cause, except upon the Application of any of the Parties interested, in which Case, upon such Party or Parties giving satisfactory Security that they will take upon themselves the Expence and Risk of the Delay, the Courts may, at their Discretion, grant an additional Delay, not exceeding Four Months.

Either Party shall be allowed to employ such Counsel as he may think fit, to assist him in the Conduct of his Cause.

All the essential Parts of the Proceedings of the said Courts shall be written down in the Language of the Country in which they shall respectively reside.

ARTICLE IV.—The Form of the Process shall be as follows:—

The Judges appointed by the Two Nations respectively shall, in the first place, proceed to examine the Papers of the detained Vessel, and to take the Depositions of the Master and Commander, and Two or Three at least of the principal Individuals on board of such Vessel, as well as the Declaration on Oath of the Captor, should it appear necessary, in order to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that, according to this Judgment, the Vessel may be condemned or released.

In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce in any Case brought before them, whether with respect to the Legality of the Detention, the Liability of the Vessel to Condemnation, or the Indemnification to be allowed, or as to any other Question which may arise out of the said Capture, or in case any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall draw by Lot the Name of one of the Two Arbitrators so appointed as aforesaid; which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two above-mentioned Judges on the Case, and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master or to the Person who represents him; and such Master or other Person may before the same Court claim a Valuation of the Damages which he may have a Right to demand. The Captor himself, and in his Default his Government, shall remain responsible for the Damages to which the Master of such Vessel, or the Owners of the Vessel or of her Cargo, may be pronounced to be entitled.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the above-named Court, it being mutually understood and agreed that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject.

ARTICLE VI.—If the detained Vessel shall be condemned she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Slaves who shall have been brought on board for the Purposes of Commerce; and the said Vessel, subject to the Regulations in Article IX. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale for the Profit of the Two Governments,

ments, subject to the Payment of the Expences herein-before mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government in whose Territory the Court which shall have judged them shall be established, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty *sub literâ* (C.)

The Charges incurred for the Support and for the Return Voyage of the Commanders and Crews of condemned Vessels shall be defrayed by the Government of which such Commanders and Crews are the Subjects.

Article VII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases (save as mentioned in Article X. of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations,) wherein Restitution of such Vessels and Cargoes shall be decreed, the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; (that is to say,)

First.—In case of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For the Ship, her Tackle, Equipment, and Stores.

(b) For all Freights due and payable.

(c) For the Value of the Cargo or Merchandize, if any, deducting all Charges and Expences payable upon the Sale of such Cargo, including Commission of Sale.

(d) For all other regular Charges in such Case of total Loss.

Secondly.—In all other Cases, save as herein-after mentioned, not of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For all special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight when due or payable.

(b) For Demurrage when due, according to the Schedule annexed to the present Article.

(c) For any Deterioration of the Cargo.

(d) For all Premium of Insurance on additional Risks.

The Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnifications shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be liquidated at the Exchange current at the Time of the Award.

The

The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without having recourse to the Decision of an Arbitrator, that the Captor has been let into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expences consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

100	Tons to	120	inclusive	-	-	£ 5	*per Diem.*
121	„	150	„	-	-	6	„
151	„	170	„	-	-	8	„
171	„	200	„	-	-	10	„
201	„	220	„	-	-	11	„
221	„	250	„	-	-	12	„
251	„	270	„	-	-	14	„
271	„	300	„	-	-	15	„

And so on in proportion.

ARTICLE VIII.—Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

ARTICLE IX.—The Two High Contracting Parties have agreed that in the event of the Death, Sickness, Absence on Leave, or any other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Posts of such Judge and of such Arbitrator shall be supplied *ad interim* in the following Manner:

First,—On the Part of Her *Britannic* Majesty, and in that Court which shall sit within the Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Secondly,—On the Part of *Great Britain*, and in that Court which shall sit within the Possessions of the Oriental Republic of the *Uruguay*, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *British* Arbitrator, his Place

shall be filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul or *British* Vice Consul appointed to and resident in such Possession; and in the Case where the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and *British* Vice Consul appointed to and resident in such Possession; and if there shall be no *British* Consul or *British* Vice-Consul to fill the Place of *British* Arbitrator, then the *Monte-Videan* Arbitrator shall be called in, in those Cases in which a *British* Arbitrator, were there any, would be called in; and in case the Vacancy be both of the *British* Judge and *British* Arbitrator, and there be neither *British* Consul nor *British* Vice Consul to fill *ad interim* the Vacancies, then the *Monte-Videan* Judge and *Monte-Videan* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly,—On the Part of the Oriental Republic of the *Uruguay*, and in that Court which shall sit within the Territories of the said Republic, if the Vacancy be that of the *Monte-Videan* Judge, his Place shall be filled by the *Monte-Videan* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *Monte-Videan* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Fourthly,—On the Part of the Oriental Republic of the *Uruguay*, and in that Court which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Monte-Videan* Judge, his Place shall be filled by the *Monte-Videan* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *Monte-Videan* Arbitrator, his Place shall be filled successively by the *Monte-Videan* Consul and *Monte-Videan* Vice Consul, if there be a *Monte-Videan* Consul or *Monte-Videan* Vice Consul appointed to and resident in such Possession; and in the Case where the Vacancy be both of the *Monte-Videan* Judge and of the *Monte-Videan* Arbitrator, then the Vacancy of the Judge shall be filled by the *Monte-Videan* Consul, and that of the *Monte-Videan* Arbitrator by the *Monte-Videan* Vice Consul, if there be a *Monte-Videan* Consul and a *Monte-Videan* Vice Consul appointed to and resident in such Possession; and in the Case in which there be no *Monte-Videan* Consul or *Monte-Videan* Vice Consul to fill the Place of *Monte-Videan* Arbitrator, then the *British* Arbitrator shall be called in, in those Cases in which a *Monte-Videan* Arbitrator, were there any, would be called

in; and in case the Vacancy be both of the *Monte-Videan* Judge and *Monte-Videan* Arbitrator, and there be neither *Monte-Videan* Consul nor *Monte-Videan* Vice Consul to fill *ad interim* the Vacancies, then the *British* Judge and *British* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

The Governor or Lieutenant Governor of the Settlement wherein either of the Mixed Courts of Justice shall sit, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, shall forthwith give Notice of the same to the Governor or Lieutenant Governor of the nearest Settlement of such other High Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies which may arise in the abovementioned Courts from Death, or from any other Cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this Day, the Thirteenth of *July* One thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of Nine Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

Done at *Monte Video*, the Thirteenth Day of *July* One thousand eight hundred and thirty-nine.

(L.S.) *J. H. Mandeville.*
(L.S.) *Jose Ellauri.*

ANNEX (C.)

Regulations in respect to Treatment of liberated Negroes.

ARTICLE I.—The Object and Purpose of these Regulations is, to secure to Negroes liberated under the Stipulations of the Treaty to which these Regulations form an Annex, *sub literâ* (C.), permanent good Treatment, and a full and complete Emancipation, according to the humane Intentions of the Parties to the Treaty.

ARTICLE II.—Immediately after Sentence of Condemnation upon a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such Vessel, and who were brought on board for the Purpose of Traffic, shall be delivered over to the Government of the Place where such Court resides.

ARTICLE III.—The Negroes so liberated, and delivered over to the Government, shall be placed under the Care and Superintendence of a Board consisting of Two Members or Commissioners, with a Power to call in a Third Member, under the Circumstances herein-after stated.

In that Colony or Possession of Her *Britannic* Majesty in which, under the Treaty to which these Regulations form an Annex, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the Governor of the said Colony or Possession, and of the *Monte-Videan* Judge in the said Mixed Court of Justice; and when the *Monte-Videan* Judge is absent, then the *Monte-Videan* Arbitrator of the said Mixed Court of Justice shall sit in the Place of the Judge in the Board of Superintendence of liberated Negroes.

In that Colony or Possession of the Oriental Republic of the *Uruguay* in which under the present Treaty a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the Governor of that Colony or Possession and of the *British* Judge in the said Mixed Courts of Justice; and when the *British* Judge is absent, then the *British* Arbitrator of the said Mixed Court of Justice shall sit in the Place of the Judge in the Board of Superintendence of liberated Negroes.

The several Members of the Board of Superintendence shall, before entering upon their Offices respectively, take an Oath, in the Presence of the principal Magistrate of the Place, that they will faithfully execute their Office, without Favour or Partiality, according to the true Intent and Meaning of these Regulations.

ARTICLE IV.—In order the better to carry into effect the Purposes intended by the present Regulations, a Person of known Probity and Humanity shall be selected and appointed by the Board of Superintendence to act under its Directions, with the Title of Curator of liberated Negroes, and such Curator may, under the Sanction of the Board, employ such Persons as may be necessary to assist him in the Execution of his Duties.

The Curator so appointed shall, previously to his entering on the Duties of his Office, take before the Board of Superintendence an Oath in the following Words:

'I *A.B.* do solemnly swear, That I will act to the best 'of my Skill and Knowledge faithfully and impartially 'in the Execution of my Office, and that I will conduct 'myself with due Respect to the Authority of the Board 'of Superintendence of liberated Negroes to which I am 'attached. So help me GOD.'

ARTICLE V.—The Curator of the liberated Negroes shall be personally present at the Delivery of the Negroes to the Person charged by the Government to receive them after the Sentence of Emancipation is passed, as specified in Article II. of these Regulations.

Duplicate original Receipts for the Negroes delivered over to the Government, specifying the Number of each Sex, shall, at the Time when they are delivered as aforesaid, be made out and signed by the Officer receiving them.

One Original of such Receipts shall be given to the Person previously in charge of the Negroes, the other to the Curator, who shall deposit the same in the Registry of the Mixed Court of Justice which adjudicated the Case of the Vessel in which the Negroes were captured.

At the Time of Delivery of such Negroes to the Government in the Manner herein-before mentioned they shall be minutely inspected by the Curator, who shall give to each Negro a Name, which Name shall then be entered by the Curator in a Book to be called "Register of Emancipated Negroes," and to be kept for that Purpose in the Office of the Board of Superintendence, and opposite to the Name shall be entered a Description of the Person, with the probable Age and bodily Marks, and any Particulars which can be ascertained regarding the Nation and Family of such Negro.

Each Negro shall then be marked on the upper Part of the Right Arm with a small Silver Instrument bearing for its Device a Symbol of Freedom.

ARTICLE VI.—The Board of Superintendence shall then make known by public Advertisement its Intention to apprentice out the liberated Negroes; and after Seven Days have elapsed from the Announcement of such Intention, the hiring or apprenticing of the Negroes shall then take place, either by public Auction or by Tender, as may be thought best; and the Negroes shall then be distributed to their Hirers, upon the Conditions and Stipulations herein-after mentioned, which Conditions and Stipulations shall be published at the Time of Auction or Tender, and shall also be embodied in a Contract or Indenture to be entered into formally betwen the Hirer and the aforesaid Board. The Contract or Indenture shall be made out in Duplicate; it shall be in Print, and not in Writing; one Copy of it shall remain with the Hirer, and the other with the Board, under the Care of the Curator.

When the Sums offered by Two or more different Persons for the hiring of a Negro are equal, Preference shall be given to the Person who will undertake to employ such Negro as a Mechanic or Domestic Servant.

ARTICLE VII.—The Period of Service for which Apprentices shall be bound shall be Seven Years for all Negroes who at the Time of hiring are above Thirteen Years of Age; but Three of the Seven Years may be afterwards remitted, at the Discretion of the Board, upon the Recommendation of the Master, and upon Proof that the Apprentice is capable of earning an honest Livelihood, and is worthy of such Indulgence.

The Apprenticeship of Negroes who at the Time of Hiring are under Thirteen Years of Age shall continue until the Age of Twenty, subject to a Diminution of that Term at the Discretion

of the Board, upon due Proof being given that the Apprentice is worthy of such Indulgence, and is capable of maintaining himself.

If, after the Expiration of any Apprenticeship, it shall appear to the said Board, upon their personal Inspection and Examination of the Apprentice, that he is not yet in a State to earn his Livelihood, or to make a proper Use of complete Freedom with regard to himself and to the Community, the Board may extend the Period of Apprenticeship for the further Term of Three Years. In such Case a new Master shall be selected, unless it shall appear to the Satisfaction of the Board that the backward State of the Apprentice is not attributable to the Neglect of the original Master.

Article VIII.—When more Apprentices than One are confided to the same Master, Care shall be taken to select for that Purpose such as are of the same *African* Nation, and, if possible, of the same Family; and in no Case shall a Child under Fourteen Years of Age be separated from its Mother, but such Child shall always be apprenticed to the same Master with its Mother.

Article IX.—The Name and Address of the Master, together with the Name and Position of the Estate or House where the liberated Negro is to be resident, shall be inserted opposite to the Name of the Negro in his Contract or Indenture.

Article X.—No Negro shall be apprenticed to any Master who resides more than Twenty *English* Miles from the Town where such Mixed Court of Justice is established; and if any Master to whom such Negro shall have been so apprenticed shall afterwards change his Residence, he shall be required to give immediate Notice thereof to the Curator.

The Apprentices must always reside at that particular Estate or House of the Master which is registered as being within the above-mentioned Distance from the Place of sitting of the Mixed Court of Justice.

Article XI.—No Person shall be intrusted with One or more liberated Negroes unless he shall prove to the Board that he possesses ample Means for the Employment, Maintenance, and Support of such Negro or Negroes, and shall make himself answerable, under the Penalty of Eighty Dollars for each Negro, that the Conditions under which such Negro is received shall be duly observed.

Article XII.—The Master shall engage to pay a stipulated Sum for the Hire of each Apprentice.

The Curator may, if the Amount is to be paid down in One Sum, demand it previously to the Hire; if the Sum is to be periodically paid, the Curator may demand the same quarterly in advance.

ARTICLE XIII.—The Master shall undertake,—

First,—That the Apprentice shall be maintained with wholesome and abundant Food, and shall be provided with such Clothes as are usual according to the Custom of the Country.

Secondly,—That he shall be instructed in the Truths of the Christian Religion, in order that he may be baptized before the Expiration of the Second Year of his Apprenticeship.

Thirdly,—That he shall be vaccinated as soon as possible after being delivered into the Charge of the Master; that in Sickness he shall have proper medical Advice, and shall be treated with due Care and Attention; and that in case of Death he shall be decently buried at the Master's Expence.

Fourthly,—That the Apprentice shall be taught some useful Business, or be instructed in some Trade or mechanical Art, whereby he may be enabled to maintain himself when the Period of his Service shall have expired.

Fifthly,—That whenever an Infant is born of any Female Apprentice, immediate Information thereof shall be given by the Master to the Board of Superintendence, in order that the Fact may be duly registered.

Sixthly,—That Baptism of the Infant so born shall take place within Three Months after its Birth, and that the Freedom of the Child shall be recorded in the Register of Baptism; but that such Child shall remain with its Mother, and shall be treated by the Master of the Mother in the same Manner as an Apprentice until the Apprenticeship of the Mother ceases.

ARTICLE XIV.—No Master shall in any Case be authorized to transfer to another Master his apprenticed Negro without the especial and written Sanction of the Board; and if the Master shall leave the Country, or shall change his Residence to a Part of the Country beyond the Limits herein-before fixed for Persons having Apprentices, or if he shall become so reduced in his Circumstances as to be obliged to give up his Establishment, then and in any of these Cases he shall report the same to the Board, and shall bring his Apprentices, and deliver them up to the said Board, by whom they shall be received, and afterwards apprenticed to another Master for the Remainder of the Period which such Apprentices may have to serve, and under the same Conditions as those imposed upon the first Master; but in no Case shall the Master be allowed to deliver up his Apprentice to any other Authority than to the said Board, or to the Curator, under the Orders of the Board.

If any Apprentice shall be guilty of Crimes which render him obnoxious to the Laws of the Country, or shall be guilty of habitual Drunkenness, Insubordination, wilful Carelessness, or Destruction of his Master's Property, the Master may in such Case bring him before the Board of Superintendence, and upon Proof

Proof of the Facts the said Board shall have Power to cancel the Indentures.

Article XV.—If an Apprentice should run away, his Master shall give immediate Information thereof to the Curator, who shall instantly proceed to a summary Investigation of the Fact, for the Information of the Board of Superintendence.

Any Master who shall be proved to have improperly disposed of an Apprentice whom he has reported as dead, or absconded shall pay as a Fine the Sum of Three hundred Dollars.

The Half of this Fine shall be paid to the Informer, and the Remainder to the Curator, to be placed at the Disposal of the Board for the Purposes herein-after mentioned.

Article XVI.—If an Apprentice should fall sick, the Master shall give immediate Notice thereof to the Curator, in order that he, or One of his Assistants, may visit such Apprentice, and report to the Board the Nature of his Disorder, and the Manner in which such sick Negro is taken care of.

If an Apprentice should die, Notice thereof shall immediately be given to the Curator, in order that he, or One of his Assistants, may attend, for the Purpose of ascertaining that the deceased Negro was really and truly the Apprentice described as such in the Register.

For this Purpose the Curator or his Assistant shall make such Inquiries as he may judge necessary, interrogating the Inhabitants of the House in which the Negro has died, the Neighbours or any other Persons, and shall take such other Means as he may judge necessary to enable him to ascertain the Truth, in order that the Burial of the Negro, which is to be at the Expence of the Master, may take place without further Delay.

A summary Report of the Result of this Inquiry shall then be drawn up officially by the Curator, and be delivered without Delay to the Board.

The Curator, after having identified the Body of any Apprentice who may have died, shall investigate the Cause of the Death, and if the Death shall appear to have been natural he shall note that Fact in the Register.

If the Cause of Death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other Negroes and other Inhabitants of the House, and take such other Means as may appear necessary to ascertain the Facts of the Case; and if there shall appear Reason to suspect that the Death of such Negro has been occasioned by Violence, improper Usage, or culpable Neglect, he shall take the proper Course for bringing the Offender to Trial before the Courts of the Country.

Article XVII.—If the Master of any Apprentice shall commit any Breach of these Conditions, a Fine shall be imposed upon him of not less than Fifty and not exceeding One hundred Dollars, one Half of which shall go to the Informer, and the other Half shall be placed at the Disposal of the Board of Superintendence, for the Purposes herein-after mentioned; and in

case

case of any gross Misconduct of the said Master towards his Apprentice, such Master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned Fine, forfeit all further Right to the Services of the Apprentice, and the said Apprentice shall be taken from such Master, and shall be apprenticed to another Master for the Remainder of his Term of Apprenticeship.

Article XVIII.—If the Master of an Apprentice shall die, his Heir, or the Person to whom the Possession of such Apprentice shall devolve, shall, within Four Days after the Death of such Master, report the same to the Board of Superintendence.

The Board shall thereupon issue its Order to the Curator to bring the Apprentice before them; and when the Apprentice is so brought the Board shall apprentice him to another Master, under the established Conditions.

If the Heir, or the Person in possession of such Apprentice, shall neglect to report the Death of the Master within Four Days, he shall pay One Dollar a Day for each apprenticed Negro belonging to such deceased Master until he shall have delivered them all up to the said Board, and he shall, moreover, be subject to the other Penalties which attach to the Nonperformance of the Conditions established by these Regulations.

Article XIX.—If any liberated Negro be apprenticed to or hired by the Government, the Contract shall contain the same Conditions and Stipulations in regard to the Negro as are hereinbefore prescribed for Cases in which the Negro is apprenticed to a private Individual.

Article XX.—Liberated Negroes shall, at the Discretion of the Board of Superintendence, and where it shall be ascertained that their own free Will has previously been obtained, be permitted to become Soldiers and Sailors in the regular Land and Sea Forces of the State in whose Territories or Dominions they shall have been liberated.

The Board shall take care in such Case to ascertain that the Negroes fully understand and are aware of the Nature of the Engagement which they enter into by so enlisting.

The Government in whose Service the Negroes enlist shall sign a Receipt for them, which Receipt shall be delivered to the Curator at the Time of the Enlistment, and the Board shall take Means to ensure that the full and permanent Liberation of such Negroes shall be secured to them, under the Principle contemplated by these Regulations.

Article XXI.—Those liberated Negroes who may not be apprenticed, or may not have enlisted in the Sea or Land Forces of the State to which the Colony or Possession in which they may be belongs, or whose Indentures shall have become void or have been cancelled, shall be provided for by the Government of such Colony or Possession. They shall be kept within

Twenty Miles of the Place where the Mixed Court of Justice is sitting.

The Expence of maintaining and supporting such Negroes shall be borne by the Government of the Colony or Possession, but they shall be under the Care and Superintendence of the Board and Curator; and the present Regulations shall be applicable to them in every respect, excepting as regards Apprenticeship.

Article XXII.—The Curator shall endeavour by means of an Interpreter to explain to each Negro the Nature of any Contract by which he may become bound, and shall inform him that if he should at any Time be ill-treated by his Master he must make his Complaint to the Curator, or to the Board of Superintendence of liberated Negroes.

Article XXIII.—It shall be the Duty of the Curator or of his Assistants to visit once at least in every Three Months all Places where there are any liberated Negroes under the Superintendence of the Board. He shall examine and inspect all such Negroes, receive their Complaints, inquire into them, and search out the Truth, and investigate any Abuses that may affect the said Negroes, and also inquire into the general Conduct of the Negroes themselves.

The Curator shall then bring to the Notice of the Board every Complaint on the Part of the said Negroes, and every Breach committed of the Conditions and Stipulations of the Contracts under which the Negroes serve; and in all Cases of well-founded Complaint the Board shall take proper Means for affording Redress.

The Inspections above prescribed are not to be made at stated Periods, but at uncertain Times, and unexpectedly.

The Curator shall also report every Three Months to the Board the State in which he finds the liberated Negroes, and such Reports shall be entered in a Book to be kept for that Purpose, to be called "Curator's Reports," and to be deposited in the Office of the Board, so that on reference thereto the Condition and Behaviour of every liberated Negro may be easily known.

Article XXIV.—All Proceedings of the Curator, together with a Statement of all Facts which may from Time to Time come to his Knowledge respecting liberated Negroes, shall be immediately communicated by him to the Board of Superintendence, and he is not to institute any Proceedings nor to take any other Steps in respect of such Negroes without the Knowledge and Sanction of the Board.

Article XXV.—The Curator shall receive all the Sums which are to be paid for the Hire of Apprentices, and all the Monies arising from Penalties incurred by Masters, and shall render an Account thereof to the Board of Superintendence.

The Amount is to be applied to the Purposes herein-after mentioned.

ARTICLE XXVI.—When the prescribed Term of Service of any Apprentice shall have expired, the Curator shall, under the Direction of the Board of Superintendence, summon such Apprentice, together with his Master, to appear before the said Board; the Master shall then give up to the Board the Indenture of the Negro, and the Negro shall receive from the Board a Certificate, specifying that such Negro has completed the Term of his Apprenticeship, and is entitled to all the Rights and Privileges of a free Person.

The Curator shall see that this Certificate be authenticated and registered, according to the Custom of the Country.

ARTICLE XXVII.—The Board of Superintendence shall have the Power to admonish the Curator, and any Officer serving under the Board, if such Curator or other Officer should fail to execute his Duty faithfully; and if the Board shall see necessary they may dismiss such Curator or other Officer, and appoint Successors.

ARTICLE XXVIII.—The necessary Proceedings for recovering such Sums as may be due from Masters on account of the Hire of Apprentices, and for enforcing the Payment of the several Fines and Penalties herein-before imposed, shall be instituted in the proper Courts of Law of the Country where the Boards of Superintendence shall respectively reside, and shall be carried on at the Instance of the Board.

The Expences of such Proceedings shall be defrayed as herein-after mentioned; and the High Contracting Parties hereby engage that within Six Months from the Exchange of the Ratifications of the Treaty to which these Regulations are annexed they will grant the requisite Authority and Powers to the Courts of Law of the Country where the Boards of Superintendence are respectively held to take cognizance of the Actions which for the due Execution of these Regulations may be brought in such Courts of Law at the Instance of the Boards, so that the Penalties herein-before mentioned may be recovered, and the Levy of the Monies herein-before mentioned be enforced, and the Payment of the Amount thereof be made to the Person appointed by these Regulations to receive such Penalties and Monies.

ARTICLE XXIX.—The Money arising from the Hire of liberated Negroes, and also from the Penalties incurred by the Master, shall be deposited by the Curator in a Chest with Three Keys, One of which shall be kept by each Commissioner of the Board of Superintendence, and One by the Curator.

The Curator shall so deposit the several Sums as soon as he receives them, making previously a regular Entry of the Receipt in a Book to be kept for that Purpose.

This Money shall be applied in the following Manner; (that is to say,) a Portion thereof, at the Discretion of the Board of Superintendence, shall be paid to the Curator, and the other

Officers employed under the said Board, for their Salaries; so much of the remaining Portion as shall be needful shall be applied towards defraying the Expences of prosecuting Masters for Breaches of the Conditions and Stipulations of their Contracts, and also generally towards defraying the other Expences incurred for carrying these Regulations into effect, and the remaining Balance, if any, shall be laid out, at the Discretion of the said Board, in the Promotion of the Comfort and Welfare of the liberated Negroes, either during their Term of Service, or at its Expiration, and especially in Rewards to liberated Negroes for good Conduct.

The Accounts of these Monies, and of the Manner in which they have been applied, shall, at the Expiration of every Year, be made up in duplicate by the Curator; and after these Accounts have been examined and approved by the Board, One of such Duplicates shall be transmitted by each Commissioner to the Government on whose Part he is acting.

If the Fund should not prove sufficient to liquidate the just and necessary Demands made for the Purposes required, the Deficiency shall be made good, in equal Moieties, by the Two Governments.

Article XXX.—In the event of a Difference arising between the Two aforesaid Commissioners of the Board, regarding the Appointment of any Officer under them, or regarding any other Matter in the Execution of these Regulations, if such Difference shall occur in a *British* Colony or Possession, the Board shall call in the Person who officiates in that Colony or Possession as *Monte-Videan* Arbitrator to the Mixed Court of Justice under the Treaty; and if the Case shall occur in the *Monte-Videan* Colony or Possession, the Board of Superintendence shall call in the Person who officiates in that Colony or Possession as *British* Arbitrator to the Mixed Court of Justice under the Treaty; and the Board of Superintendence of liberated Negroes thus formed, and being composed of the Two Commissioners and of One Arbitrator, shall, by the Majority of Voices, decide all such Points of Difference.

It shall not be permitted to the Members of the Board of Superintendence, nor to any Officer acting under them, to demand or receive from any one, excepting as herein specified, any Emolument, under any Pretext whatsoever, for the Performance of the Duties which are imposed upon them by the present Regulations.

Article XXXI.—Nothing that is contained in these Regulations shall be construed to exempt any liberated Negro from his Liability as a free Man to be proceeded against for any Offence committed by him (except as herein provided for) against the Laws of the Country in which he is located; but in all Cases where Offence against such Laws is imputed to a Negro under the Care of the aforesaid Board of Superintendence, the Laws shall be administered to him as to a free Man, and the Curator shall, either personally or by a responsible Individual deputed by him

him for the Purpose, attend the Courts of Justice of the Country, to see that Justice is done to the Negro.

ARTICLE XXXII.—It is further stipulated, with the View to avoid the unnecessary Multiplication of Words, that every thing contained in the foregoing Regulations which applies to Masters shall be construed as applying equally to Mistresses, and that every thing in the said Regulations with respect to Negroes and Apprentices which applies to the Masculine Gender and Singular Number shall be construed as applying equally to the Female Sex and to the Plural Number, unless such Construction shall be in express Opposition to any other Enactment of these Regulations.

ARTICLE XXXIII.—These Regulations shall be inserted in the official Gazette or Journal of the Government of each High Contracting Party to the Treaty, and also in the official Journal or Gazette of the Place where the Mixed Courts of Justice are respectively held; and the Governments of the said Countries shall convey to the said Boards of Superintendence of liberated Negroes, to the Curators, and to their Assistants, under those Boards, such Authority as may be requisite to enable the said Boards of Superintendence, Curators, and Officers acting under them respectively to perform the Duties and to exercise the Powers intrusted to them by these Regulations.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty, signed by them on this Day, the Thirteenth of *July* One thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of Thirty-three Articles, shall be annexed to the said Treaty, and be considered an integral Part thereof.

Done at *Monte Video*, the Thirteenth Day of *July* One thousand eight hundred and thirty-nine.

(L. S.) *J. H. Mandeville.*
(L. S.) *Jose Ellauri.*

ARTICLES ADDITIONAL to the Treaty concluded this Thirteenth of *July* One thousand eight hundred and thirty-nine between Her *Britannic* Majesty and the Republic of the *Uruguay*, for the Suppression of the Slave Trade.

ARTICLE I.—In consequence of the Oriental Government of the *Uruguay* not possessing at the present Period more Ships of War than are sufficient for the Protection of the Coasts of the Republic, it is agreed that the Republic of the *Uruguay* shall be relieved from the Obligation for Ten Years from the Date of the Exchange of the Ratifications of the present Treaty of employing any Cruisers for the Suppression of the Slave Trade, unless it should think fit to do so.

ARTICLE II.—It is agreed and understood that if there should be any Delay in appointing the Judge and Arbitrator to be nominated

nominated on the Part of the Republic of the *Uruguay* to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those Officers, after having been appointed, should at any Time be absent, then and in either of such Cases the Judge and Arbitrator who shall have been appointed on the Part of Her *Britannic* Majesty, and who shall be present in the said Courts, shall, in the Absence of the Oriental Judge and Arbitrator, proceed to open the said Courts, and to adjudge such Cases as may be brought before them under the Treaty; and the Sentence pronounced upon such Cases by the said *British* Judge and Arbitrator shall have the same Force and Validity as if the Judge and the Arbitrator on the Part of the Oriental Republic had been appointed, and had been present and acting in the Mixed Courts in the Cases in question.

ARTICLE III.—It is also agreed, notwithstanding the Provisions of the Second Article of the Annex (B.), that so long as no Oriental Judge and Arbitrator shall have been nominated it will be unnecessary for the Oriental Republic to nominate the Secretary or Actuary mentioned in the said Article; that in the meanwhile the Secretary or Actuary of that Court which may exist within the Territory of the Oriental Republic shall be named and paid by the Government of Her *Britannic* Majesty, and that the entire Expence of both the Courts to be established under this Treaty shall be borne by the Government of Her *Britannic* Majesty.

ARTICLE IV.—If in the Translation of the present Treaty into the *Spanish* Language any Mistake or Error should be committed, the *English* Text is to be adhered to.

The present additional Articles shall form an integral Part of the Treaty for the Suppression of the Slave Trade signed this Day, and shall have the same Force and Validity as if they were inserted Word for Word in that Treaty, and shall be ratified, and the Ratifications thereof shall be exchanged at *Monte Video*, as soon as possible, within the Space of Eight Months from this Date.

Done at *Monte Video* this Thirteenth Day of *July* in the Year of our Lord One thousand eight hundred and thirty-nine.

(L. S.) *J. H. Mandeville.*
(L. S.) *Jose Ellauri.*

And whereas the said Treaty was ratified by and between Her Majesty and the Oriental Republic of the *Uruguay* respectively, and such Ratifications were exchanged at *Monte Video*, on the Twenty-first Day of *January* in the Year of our Lord One thousand eight hundred and forty-two: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the Treaty aforesaid, and the Articles additional thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

Commanders of Ships of War to exercise Right of searching Merchant Vessels liable to Suspicion and suspected of being engaged in the Slave Trade.

by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Oriental Republic of the *Uruguay*, who shall be duly instructed and authorized according to the several Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, with its Master, Crew, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the said Treaty and the Articles additional thereto; and all such Commanders and other Officers of Her said Majesty's Ships, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, shall comply with the several Provisions and Instructions of the said Treaty and Articles which apply thereto respectively.

Ships suspected of having been fitted out for the Purposes of Traffic in Slaves liable to search.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, or of having been fitted out for the Purposes of such Traffic, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by any Ship or Vessel of War of Her Majesty or of the Oriental Republic of the *Uruguay* duly authorized for that Purpose according to the Stipulations of the said Treaty and Articles, and shall be subject to the Adjudication of and to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty and Articles.

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in the said Treaty and Articles mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices, by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty and Articles, as fully as if special Authorities for that Purpose were given in relation thereto in this Act.

IV. And

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint any Secretary or Registrar to the Mixed Court or Courts which shall be established in virtue of the said Treaty and Articles, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Courts, and to grant a Salary to any such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and any such Secretary or Registrar shall perform all the Duties of such Office set forth by the said Treaty and Articles, and do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

V. And be it enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the Oriental Republic of the *Uruguay*, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled *ad interim* by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the Arbitrator on behalf of the Oriental Republic of the *Uruguay* to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the Judge and Arbitrator appointed by the Oriental Republic of the *Uruguay* of such Court to sit alone in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person

In case of the Death or Incapacity from Illness of any British Judge of such Courts, or of the British Arbitrator.

Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place, whether belonging to Her *Britannic* Majesty or to the Oriental Republic of the *Uruguay*, in which the Court shall be established; which Oath any such Magistrate shall have Authority to administer in the Form following; (that is to say,)

Form of Oath.

'I *A. B.* do solemnly swear, That I will, according to the best of 'my Skill and Knowledge, act in the Execution of my Office 'as faithfully, impartially, fairly, and without Preference 'or Favour either for Claimants or Captors or any other Persons; 'and that I will, to the best of my Judgment and Power, act in 'pursuance of and according to the Stipulations, Regulations, and 'Instructions contained in the Treaty, and Articles additional thereto, 'between Her Majesty and the Oriental Republic of the *Uruguay*, 'signed at *Monte Video* on the Thirteenth Day of *July* One thousand 'eight hundred and thirty-nine.'

Secretary or Registrar to take Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and Articles, and of this Act, shall, before he enters on the Duties of his said Office, take an Oath before One of the Judges of the said Court, who shall have Authority to administer the same, in the Form following; (that is to say,)

'I *A. B.* do solemnly swear, That I will, according to the best of 'my Skill and Knowledge, act in the Execution of my Office, and 'that I will conduct myself with respect to the Authority of the 'Judges and Arbitrators of the Court to which I am attached, and 'will act with Fidelity in all the Affairs which may belong to my 'Charge, and without Preference or Favour either for Claimants or 'Captors or any other Persons.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of any Proceeding before the said Judges or Arbitrators under the said Treaty and Articles, and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken upon or in any Proceeding before the Judges or Arbitrators aforesaid, under the said Treaty or Articles additional, or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed, or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty or Articles, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar, and shall be a good and complete Bar in any Suit or Proceeding, whether brought or instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any thing done in pursuance of the Provisions of the said Treaty or Articles.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

X. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the Treaty or Articles herein-before mentioned, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized under the Provisions of the said Treaty or Articles to make such Seizure, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty of Five Pounds for every Slave found on board of Vessels seized and condemned.

XI. And be it enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty or Articles, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Slave, whether Man, Woman, or Child, which shall be seized and found on board a *British* or *Monte-Videan* Ship or Vessel taken and delivered over and condemned in pursuance of the Provisions of the said Treaty or Articles, and of this Act, such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty, Her Heirs and Successors, shall think fit to order by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Bounties not liable to Payment of Fees.

XII. And be it enacted, That the said Bounty, as also Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, on the Seizure of Slaves found on board any Ship or Vessel condemned in pursuance of the Provisions of this Act, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Mode of obtaining such Bounty.

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money, the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy duly certified of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Where Slaves taken shall not have been condemned, or shall not have been delivered over, the Treasury may allow One Moiety of the Bounty.

XIV. And be it enacted, That where any Slave, or Person treated, dealt with, carried, kept, or detained as a Slave, shall be seized on board any *British* or *Monte-Videan* Ship or Vessel, in pursuance of the Provisions of the said Treaty and Articles, and of this Act, but shall not have been condemned, or shall not have been delivered over, in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to them in their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of a Sum not exceeding One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XV. Provided always, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Monte-Videan* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty or Articles, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations to which Prize Agents are liable extended to Bounties, &c. under this Act.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties now in force respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships or Vessels of War.

Where Judgment shall be given against

XVII. And be it enacted, That when any Seizure shall be made or Prosecution instituted as or for the Violation of any of the Pro-

visions of this Act, and Judgment shall be given against the Seizor or Prosecutor, or such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs, Damages, and Expences as the said Seizor or Prosecutor may be liable to pay in respect of such Seizure, or any proportionate Part thereof, and also such Costs and Expences as the said Seizor may have incurred in respect of such Seizure.

the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Costs and Damages.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Sums of Money awarded by the Mixed Commission Courts to be due on account of any unlawful Seizure or Detention by any of Her Majesty's authorized Cruisers: Provided always, that nothing herein contained shall exempt the Seizor from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners.

Treasury may direct Payment of any Sum awarded to be due on account of unlawful Seizures, Liability of Seizors not taken away.

XIX. Provided always, and be it enacted, That if any of the Things specified in the Eighth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Mixed Courts, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Mixed Court should not pronounce any Sentence of Condemnation.

No Compensation to be made when any Articles specified in the Eighth Article of the Treaty are found on board.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XVII.

An Act for raising the Sum of Nine millions and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-three. [9th *May* 1843.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Nine millions and fifty thousand Pounds, in like Manner as is prescribed

Treasury may raise 9,050,000*l.* by Exchequer Bills in like Manner as is prescribed by

prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the last Session of Parliament, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Act extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills to be payable out of Supplies of the next Session.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills to be current at the Exchequer after Twelve Calendar Months from their Dates.

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable, or which shall hereafter be granted or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VII. And

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Nine millions and fifty thousand Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds toward carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 9,050,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XVIII.

An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for *England* and *Wales*.

[31st *May* 1843.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act to amend the Representation of the People in* England *and* Wales: 2 & 3 W. 4. c. 45.
And whereas it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for *England* and *Wales*: And whereas it is recited in the said Act, that "it was expedient to form a Register of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in any future Parliament;" and divers Clauses and Provisions were in and by the said Act enacted, for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in any future Parliament for any County, or for the Riding, Parts, or Division

Counties.

sion of any County, and also for the Purpose of forming a Register of Persons entitled to vote in the Election of a Member or Members to serve in any future Parliament for any City or Borough, and for the defraying of the Expences to be incurred thereby, and for the Appointment and Payment of Revising Barristers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Clauses and Provisions of the said Act so enacted for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament for any County, or for the Riding, Parts, or Division of any County, and for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Member or Members to serve in Parliament for any City or Borough in *England* and *Wales*, and for the defraying of the Expences to be incurred thereby, and for the Appointment and Payment of Revising Barristers, shall be and the same are hereby repealed, except as to any Register heretofore made.

Certain Provisions of recited Act repealed.

Commencement of Act.

II. And be it enacted, That this Act shall come into force on the First Day of *June* next, and shall thenceforth be taken to be Part of the said Act as fully as if it were incorporated therewith.

Clerk of the Peace to have Forms of Precepts, &c., printed.

III. And whereas, for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament, it is expedient that Lists should annually be made out in manner herein-after mentioned; be it therefore enacted, That the Clerk of the Peace for every County shall cause a sufficient Number of Forms of Precepts, Notices, and Lists to be printed, according to the respective Forms numbered (1. 2. 3. 6.) in the Schedule (A.) and of the Table numbered (1.) in the Schedule (D.) to this Act annexed, and shall also, on or before the Tenth Day of *June* in every Year, make and cause to be delivered to the Overseers of the Poor of every Parish and Township within his County his Precept, according to the Form numbered (1.) in the said Schedule (A.), together with a sufficient Number of the said printed Forms of Notices and Lists, and of the Copies of such Part of the Register of Voters then in force for such County as shall relate to such Parish or Township respectively, and of the said Table, for the Purposes herein-after mentioned.

Clerk of the Peace to issue his Precepts, with Forms of Notices, &c. to Overseers.

Overseers to give Notice annually, requiring Voters to send in their Claims.

IV. And be it enacted, That the Overseers of the Poor of every Parish and Township shall, on or before the Twentieth Day of *June* in every Year, publish a Notice, according to the Form numbered (2.) in the said Schedule (A.), having first signed the same, requiring all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of any Property situate wholly or in part within such Parish or Township who shall not be upon the Register of Voters then in force, and also all Persons so entitled as aforesaid, who being upon such Register shall not retain

the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register about to be made, to give or send to the said Overseers, on or before the Twentieth Day of *July* then next ensuing, a Notice in Writing, by them signed, of their Claim to vote as aforesaid; and every such Person, and any Person who being upon such Register may be desirous to make a new Claim, shall, on or before the said Twentieth Day of *July*, deliver or send to the said Overseers a Notice signed by him of his Claim, according to the Form of Notice set forth in that Behalf in the said Form numbered (2.), or to the like Effect. *Counties.*

Overseers to prepare Lists of Claimants.

V. And be it enacted, That the Overseers of the Poor of every Parish and Township respectively shall on or before the last Day of *July* in every Year make out, according to the Form numbered (3.) in the said Schedule (A.), an alphabetical List of all Persons who on or before the Twentieth Day of *July* then next preceding shall have claimed as aforesaid; and in every such List the Christian Name and Surname of every Claimant, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, and the Name of the occupying Tenant thereof, shall be written as the same are stated in the Claim; and the said Overseers, if they shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants, or in the Copy of the Register relating to their Parish or Township, and received by them from the Clerk of the Peace, is not entitled to have his Name upon the Register then next to be made, shall add the Word "objected" before the Name of every such Person on the Margin of such List of Claimants or the said Copy of Register; and the said Overseers shall also add the Word "dead" before the Name of any Person in the said Copy of the Register whom they shall have reasonable Cause to believe to be dead; and the Overseers shall cause a sufficient Number of Copies of such List of Claimants, and of the said Copy of the Register, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the First Day of *August* sign and publish the same; and the said Overseers shall likewise keep a Copy of such List of Claimants, and of the said Copy of the Register, with the marginal Additions respectively as aforesaid, signed by them, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day except *Sunday*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by them, to all Persons applying for the same, on Payment of a Price for each Copy, after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Overseers empowered to object to any Name;

to add the Word "dead" against any Name;

to publish Copies of List of Claimants, and of the Part of the Register of Voters relating to their own Parish;

to keep Copies of same for Inspection and Sale.

The List of Claimants in any Parish, and the Part of the Register relating to that Parish, to be deemed the List of Voters of such Parish.

VI. And be it enacted, That the List of Claimants (if any) so to be made out by the Overseers of every Parish or Township, together with the said Copy of the Register, with the marginal Additions respectively as aforesaid, for the Time being, relating to the same Parish or Township, shall be deemed to be the List of Voters of such Parish or Township for the County within which such

Counties. such Parish or Township may be situate, for the Purposes herein-after mentioned.

Any Person on the Register may object to any other Person named in the List as not entitled to be upon it. Notice of Objection to be given to the Overseers; and also to the Party objected to.

VII. And be it enacted, That in every Year every Person who shall be upon the Register for the Time being for any County may object to any other Person upon any List of Voters for such County, as not having been entitled, on the last Day of *July* then next preceding, to have his Name inserted in any List of Voters for such County; and every Person so objecting (save and except Overseers objecting in the Manner herein-before mentioned) shall, on or before the Twenty-fifth Day of *August* in such Year, give or cause to be given to the Overseers of the Poor of the Parish or Township to which the List of Voters containing the Name of the Person so objected to may relate, a Notice, according to the Form numbered (4.) in the said Schedule (A.), or to the like Effect; and the Person so objecting shall also, on or before the said Twenty-fifth Day of *August*, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode, as described in such List, a Notice, according to the Form numbered (5.) in the said Schedule (A.), or to the like Effect; and every such Notice of Objection shall be signed by the Party so objecting as aforesaid; and wherever the Place of Abode of the Person objected to, as described in the said List, shall not be in the Parish or Township to which such List may relate, and the Name of the occupying Tenant of the Whole or any Part of the qualifying Property, together with his Place of Abode, shall appear in such List, the Person so objecting shall also, on or before the same Day, give to or leave, or cause to be given or left, at the Place of Abode of any such occupying Tenant, a duplicate Notice, signed as aforesaid.

List of Persons objected to to be published.

VIII. And be it enacted, That the said Overseers shall in every Year include the Names of all Persons against whom Notice of Objection shall have been given to them as aforesaid in that Year in a List, according to the Form numbered (6.) in the said Schedule (A.), and shall publish such List on or before the First Day of *September* in such Year, and shall also keep a Copy of such List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day except *Sunday* during the first Fourteen Days of the said Month of *September*, and shall deliver a Copy of such List to any Person requiring the same on Payment of a Price for each Copy after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Lists, &c. to be delivered to the Clerk of the Peace.

IX. And be it enacted, That on or before the Twenty-ninth Day of *August* in every Year the Overseers of every Parish or Township shall deliver to the Clerk of the Peace of the County wherein the said Parish or Township is situate the said Copy of the Register, and the said List of Claimants, with the marginal Additions respectively as aforesaid, and also a Copy of the List of Persons objected to, respectively signed as aforesaid, and relating to their Parish or Township,

X. And

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Town Clerk to have Forms of Precepts, &c. printed.

To issue his Precept to the Overseers.

X And for the Purpose of preparing like Lists, and forming a Register of all Persons entitled to vote in the Election of a Member or Members to serve in Parliament for any City or Borough, be it enacted, That the Town Clerk of every such City or Borough shall cause a sufficient Number of Forms of Precepts, Notices, and Lists to be printed according to the Forms numbered (1. 2. 3. 4. 8. 12.) in the Schedule (B.) and of the Table numbered (1.) in the Schedule (D.) to this Act annexed, and shall on or before the Tenth Day of *June* in every Year make, and cause to be delivered to the Overseers of the Poor of every Parish or Township situate wholly or in part within such City or Borough, or within any Place sharing in the Election for such City or Borough his Precept according to the Form numbered (1.) in the said Schedule (B.), and also a sufficient Number of the said printed Forms of Notices and Lists, and of the said Table.

Overseers to give public Notice as to the Payment of Rates and Taxes by Occupiers of Premises of the yearly Value of 10*l.*

XI. And be it enacted, That the Overseers of every such Parish or Township shall, on or before the Twentieth Day of *June* in every Year, publish a Notice in Writing according to Form numbered (2.) in the said Schedule (B.), stating that no Person will be entitled to have his Name inserted in any List of Voters for the City or Borough then next to be made in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, situate wholly or in part within such Parish or Township, unless he shall pay, on or before the Twentieth Day of *July* then next ensuing, all the Poor's Rates and Assessed Taxes which shall have become payable from him in respect of such Premises during the Twelve Calendar Months next before the Sixth Day of *April* then last past.

Overseers to have Power of inspecting Tax Assessments, &c.

Assessors or Collectors of Taxes to deliver to Overseers a List of Persons in arrear of Taxes payable at April last past.

XII. And be it enacted, That the Overseers of every Parish or Township, for their Assistance in making out the List of Voters as herein-after mentioned, (upon Request made by them, or any of them, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the Month of *July* in every Year, to any Assessor or Collector of Taxes, or to any other Officer having the Custody of any Tax Assessment or Duplicate for such Parish or Township,) shall have free Liberty to inspect any such Tax Assessment or Duplicate, and to extract such Particulars as may appear to such Overseer or Overseers to be necessary; and every such Assessor or Collector of Taxes shall, within Two Days after the Twentieth Day of *July* in every Year, make out and deliver to the said Overseers a List containing the Name and Place of Abode of every Person who shall not have paid on or before the said Twentieth Day of *July* the Assessed Taxes which shall have become payable from him in respect of any Premises within the said Parish or Township during the Twelve Calendar Months next before the Sixth Day of *April* then last past; and the Overseers shall keep the said List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the List of Voters shall have been published, as herein-after mentioned.

Cities and Boroughs.

Overseers to prepare and publish Lists of Persons (other than Freemen) entitled to vote;

XIII. And be it enacted, That the Overseers of every such Parish or Township shall, on or before the last Day of *July* in every Year, make out or cause to be made out, according to the Form numbered (3.) in the Schedule (B.) to this Act annexed, an alphabetical List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such City or Borough, in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, situate wholly or in part within such Parish or Township, and another alphabetical List, according to the Form numbered (4.) in the said Schedule (B.), of all other Persons (except Freemen) who may be entitled to vote in the Election of such City or Borough by virtue of any other Right whatsoever, and in each of the said Lists the Christian Name and Surname of every such Person shall be written at full Length, together with the Place of his Abode and the Nature of his Qualification, and where any Person shall be entitled to vote in respect of any Property, then the Name of the Street, Lane, and the Number of the House (if any) or other Description of the Place where such Property may be situate, shall be specified in the List; and the said Overseers shall sign such Lists, and shall forthwith cause a sufficient Number of Copies of each of the said Lists to be written or printed, and shall publish Copies of the said Lists on or before the First Day of *August* in such Year, and shall likewise keep a Copy of each of the said Lists, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such Lists shall have been so published, and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Copies of Lists to be kept for Inspection and Sale.

Town Clerks to prepare and publish the Lists of Freemen.

XIV. And be it enacted, That the Town Clerk of every City or Borough shall, on or before the last Day of *July* in the present and in each succeeding Year, make out, according to the Form numbered (5.) in the said Schedule (B.), an alphabetical List of all the Freemen of such City or Borough who may be entitled to vote in the Election of a Member or Members to serve in any future Parliament for such City or Borough, together with the respective Places of their Abode, and shall sign such List, and cause Copies thereof to be written or printed, and shall publish the said List on or before the First Day of *August* in such Year, and shall likewise keep a Copy thereof, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such Lists shall have been published, and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Persons omitted from the Borough Lists to give Notice of their Claims.

XV. And be it enacted, That every Person whose Name shall have been omitted in any such List of Voters for any City or Borough so to be made out as aforesaid, and who shall claim, as having been entitled on the last Day of *July* then next preceding, to have

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have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in the said List, shall, on or before the Twenty-fifth Day of *August* in that Year, give or cause to be given a Notice, according to the Form numbered (6.) in the said Schedule (B.), or to the like Effect, to the Overseers of that Parish or Township in the List whereof he shall claim to have his Name inserted, or if he shall claim as a Freeman of any City or Borough, or Place sharing in the Election therewith, then he shall in like Manner give or cause to be given to the Town Clerk of such City, Borough, or Place, a Notice, according to the Form numbered (7.) in the said Schedule (B.), or to the like Effect; and the Overseers and Town Clerks respectively shall include the Names of all Persons so claiming as aforesaid in Lists, according to the Forms numbered (8.) and (9.) respectively in the said Schedule (B.)

Lists of Claimants to be made.

XVI. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for the Time being for any City or Borough, or for any Person who shall have claimed to have his Name inserted in any such List, upon Request made by such Person, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Tenth Day of *August* and the last Day of *August*, to any Overseer or other Officer having the Custody of any Poor-rate Book, to inspect such Poor-rate Book, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every such Overseer or other Officer as aforesaid is hereby required, upon such Request as aforesaid, to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Registered Electors and Claimants may inspect Rate Books.

XVII. And be it enacted, That every Person whose Name shall have been inserted in any List of Voters for any City or Borough may object to any other Person as not having been entitled on the last Day of *July* next preceding to have his Name inserted in any List of Voters for the same City or Borough; and every Person so objecting shall, on or before the Twenty-fifth Day of *August* in that Year, give or cause to be given a Notice, according to the Form numbered (10.) in the said Schedule (B.), or to the like Effect, to the Overseers who shall have made out the List in which the Name of the Person so objected to shall have been inserted, or if the Person objected to shall have been inserted in the List of Freemen of any City or Borough, except the City of *London*, then to the Town Clerk of such City or Borough; and every Person so objecting shall also give or cause to be left at the Place of Abode of the Person objected to, as stated in the said List, a Notice according to the Form numbered (11.) in the said Schedule (B.); and every Notice of Objection shall be signed by the Person objecting.

Persons named in the List may object to others as not being entitled to be in the List.

Notice of Objection to be given to the Overseers, or to the Town Clerk;

and also to the Person objected to.

XVIII. And be it enacted, That the said Overseers shall include the Names of all Persons so objected to in a List, according to the Form numbered (12.) in the said Schedule (B.); and every Town Clerk shall include the Names of all Persons so objected to as Freemen in a List,

List of Persons objected to to be made.

a List, according to the Form numbered (13.) in the said Schedule (B.); and the said Overseers and Town Clerks respectively shall sign each of the said Lists, and cause Copies thereof to be written or printed, and shall publish the said List of Persons objected to, and the said List of Claimants as aforesaid, on or before the First Day of *September* in the said Year; and shall keep Copies of the said Lists, and shall allow the same, and also the Notices of Objection which they shall have received, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days of *September* in the said Year, and shall deliver Copies of each of such Lists to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Such Lists, and the Lists of Claimants, to be published.

Copies of Lists and Notices of Objection to be kept for Inspection.

XIX. And be it enacted, That the said Overseers shall, on or before the Twenty-ninth Day of *August* in every Year, deliver to the said Town Clerk a Copy of the said List of Voters, made out by them as aforesaid, and a Copy of the said List of Persons who shall have claimed as aforesaid, and a Copy of the List of Persons objected to as aforesaid.

Overseers to deliver Copies of Lists to the Town Clerk.

XX. And be it enacted, That for providing a List of such of the Freemen of the City of *London* as are Liverymen of the several Companies entitled to vote in the Election of a Member or Members to serve in Parliament for the City of *London*, the Secondaries of the said City shall, on or before the Twentieth Day of *July* in every Year, issue Precepts to the Clerks of the said Livery Companies, requiring them to make out or cause to be made out, at the Expence of the respective Companies, an alphabetical List, according to the Form numbered (1.) in the Schedule (C.) to this Act annexed, of the Freemen of *London*, being Liverymen of the said respective Companies, and entitled to vote in such Election; and every such Clerk shall sign such List, and transmit the same, with Two printed Copies thereof, to the Secondaries, on or before the last Day of *July*, who shall forthwith fix One such Copy in the Guildhall and One in the Royal Exchange of the said City, there to remain Fourteen Days; and the Clerks of the said Livery Companies shall cause a sufficient Number of Copies of such Lists of Freemen and Liverymen of their respective Companies to be printed, at the Expence of the respective Companies, and shall keep, and allow the same to be perused by any Person without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during Fourteen Days next after such Lists shall have been published, and shall deliver the same to any Person applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed; and every Person whose Name shall have been omitted in any such List of Freemen and Liverymen, and who shall claim to have his Name inserted therein, as having been entitled on the last Day of *July* then next preceding to have his Name inserted

Freemen and Liverymen of the City of London.

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inserted in such List, shall, on or before the Twenty-fifth Day of *August* in such Year, give or cause to be given a Notice according to the Form numbered (2.) in the said Schedule (C.), or to the like Effect, to the Secondaries and to the Clerk of that Company in the List whereof he shall claim to have his Name inserted; and every Person whose Name shall have been inserted in any List of Voters for the Time being for the said City may object to any other Person as not having been entitled on the last Day of *July* then next preceding to have his Name inserted in any such Livery List; and every Person so objecting shall, on or before the said Twenty-fifth Day of *August*, give to such other Person, or leave at his Place of Abode, as described in such List, a Notice according to the Form numbered (4.) in the said Schedule (C.), or to the like Effect, and shall also give to the Secondaries, and to the Clerk of that Company in the List whereof the Name of the Person objected to has been inserted, Notice according to the Form numbered (5.) in the said Schedule (C.), or to the like Effect; and the Secondaries shall include the Names of all Persons so claiming, and so objected to as aforesaid, in Two several Lists, according to the Forms numbered (3.) and (6.) in the said Schedule (C.), and shall cause such last-mentioned Lists to be fixed in the Guildhall and Royal Exchange of the said City on or before the First Day of *September*, and shall likewise keep Copies thereof, and allow the same to be perused by any Person without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the Fourteen Days following the first Publication of the said List, and shall deliver Copies thereof to any Person applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table numbered (1.) in the Schedule (D.) to this Act annexed.

Freeholders in Horsham and Malmesbury entitled to vote for New Shoreham and Cricklade, where to be registered.

XXI. And be it enacted, That for all the Purposes of forming a Register of Voters for the Borough of *New Shoreham* and for the Borough of *Cricklade* respectively, under the Provisions of this Act, all Persons having a Right to vote for the Borough of *New Shoreham* in respect of any Freeholds which may be situate in the Borough of *Horsham*, or for the Borough of *Cricklade* in respect of any Freeholds which may be situate in the Borough of *Malmesbury*, shall be inserted in the same Lists of Voters respectively in which they are to be inserted by the Directions in that Behalf of the said recited Act.

Provision as to Places having no Overseers.

XXII. And be it enacted, That every Precinct or Place, whether extra-parochial or otherwise, which shall have no Overseers of the Poor, shall, for the Purpose of making any Claim, and making out any List directed by this Act, be deemed to be within the Parish or Township adjoining thereto, and sharing in the Right of Election to which such Claim or List may relate; and if such Parish or Place shall adjoin Two or more Parishes or Townships situated as aforesaid, it shall be deemed to be within the least populous of such Parishes or Townships, according to the last Census for the Time being.

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What shall be Publication of Notice.

XXIII. And be it enacted, That every Notice, List, Register, or other Document herein required to be published, shall be so published, except where some other Mode or Place of Publication is herein expressly provided, by being fixed in some public and conspicuous Situation on the outside of the outer Door or outer Wall near the Door of the Buildings herein-after named for that Purpose; (that is to say,) in the Case of Publication by Overseers, every Church and public Chapel in their Parish or Township, including Places of public Worship which do not belong to the Established Church, and in the Case of Publication by a Town Clerk, the Town Hall, or in either Case, if there be no such Building as is herein-before named for that Purpose, then in some public and conspicuous Situation within the Parish or Township, City, Borough, or Place respectively.

Time for which Publication shall be.

XXIV. And be it enacted, That in all Cases in which any Notice, List, Register, or other Document shall, pursuant to the Provisions aforesaid, be affixed on or near the Door of any Church, Chapel, Town Hall, or other Place, the same shall continue so fixed for a Period including Two consecutive *Sundays* at the least next after the Day on or before which the same is herein-before required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the Expiration of such Period, the Party herein-before required to publish the same as aforesaid shall, as soon as conveniently may be, publish in like Manner in its Place another Notice, List, Register, or other Document, to the like Purport and Effect with the Notice, List, Register, Paper, or Document so destroyed, mutilated, effaced, or removed.

Penalty for hindering Publication.

XXV. And be it enacted, That every Person who shall wilfully destroy, mutilate, efface, or remove any Notice, List, Register, or other Document so affixed as aforesaid, during the Period during which the same is herein-before required to remain so affixed, shall for every such Offence forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings to any Person who will sue for the same, to be recovered in a summary Manner before any Two Justices of the Peace.

List not invalidated by imperfect Publication.

XXVI. And be it enacted, That no List shall be invalidated by reason that it shall not have been affixed in every Place and for the full Time herein-before required for Publication thereof, but that the Barrister shall proceed to revise and adjudicate upon every such List which shall have been affixed in any Place and for any Part of the Time herein-before mentioned in that Behalf; but nothing herein contained shall be construed to exempt the Overseer, Town Clerk, or other Person charged with the Duty of publishing such List as aforesaid from the Penalties of his Neglect or wilful Default.

If no List made out or published, former List to be in force.

XXVII. And be it enacted, That in case no List of Voters shall have been made out for any Parish, Township, or Place in any Year, or in case such List shall not have been affixed in any Place herein-before mentioned in that Behalf, the Register of Voters for that Parish, Township, or Place then in force shall be taken to be the List of Voters for that Parish, Township, or Place for the Year then next ensuing, and the Provisions herein contained respecting any such List of Voters shall be taken to apply to such Register as aforesaid.

XXVIII. And

Counties, Cities, and Boroughs.

Lord Chief Justice and Judges of Assize to appoint Barristers for revising Lists.

XXVIII. And be it enacted, That the Lord Chief Justice of the Court of Queen's Bench shall, in the Month of *July* or *August* in every Year, appoint so many Barristers as he shall deem necessary to revise the Lists of Voters for that Year for the County of *Middlesex*, and for the City of *London*, the City of *Westminster*, and the several Boroughs in the County of *Middlesex*, and that the senior Judge for the Time being in the Commissions of Assize for every other County shall, during the Summer Circuit in every Year, appoint so many Barristers as he shall deem necessary to revise the Lists of Voters for that Year for every such County, or for the Ridings, Parts and Divisions of every such County, and for the several Cities and Boroughs in every such County, and for every City and Town, and County of a City and Town, next adjoining to any such County; and the Town and County of the Town of *Kingston-upon-Hull* shall for this Purpose be considered as next adjoining to the County of *York*, and the Town of *Berwick-upon-Tweed* and the Town and County of the Town of *Newcastle-upon-Tyne* as next adjoining to the County of *Northumberland*, and the City and County of the City of *Bristol* as next adjoining to the County of *Somerset*; and the said Lord Chief Justice and Judge respectively shall in every Year have Power to appoint One or more Barristers to revise the Lists for that Year for the same County, City, or Borough, or other Place as aforesaid, or One Barrister only to revise the Lists for several Counties, Cities, Boroughs, and other Places as aforesaid: Provided always, that, except as is herein-after provided, no greater Number of Barristers shall be so appointed in any Year than as follows; (that is to say,) for the County of *Middlesex*, and for the City of *London*, the City of *Westminster*, and the Boroughs in the County of *Middlesex*, Three; for the Counties, Cities, Boroughs, and Places within the Home Circuit, Ten; for the Counties, Cities, Boroughs, and Places within the Western Circuit, Fourteen; for the Counties, Cities, Boroughs, and Places within the *Oxford* Circuit, Twelve; for the Counties, Cities, Boroughs, and Places within the Midland Circuit, Eleven; for the Counties, Cities, Boroughs, and Places within the *Norfolk* Circuit, Eight; for the Counties, Cities, Boroughs, and Places within the Northern Circuit, Fifteen; for the Counties, Cities, Boroughs, and Places within the *North Wales* Circuit, Six; for the Counties, Cities, Boroughs, and Places within the *South Wales* Circuit, Six: Provided also, that no Barrister shall be so appointed who shall be of less than Three Years standing, or a Member of Parliament, or who shall hold any Office or Place of Profit under the Crown, except the Office of Recorder of any City or Borough; but no such Barrister shall be so appointed for any City or Borough of which he shall be the Recorder; and that no Barrister appointed as aforesaid shall for Eighteen Months from the Time of his Appointment be eligible to serve in Parliament for any County, Riding, Parts or Division of a County, or for any City, Borough, or other Place as aforesaid for which he shall be so appointed.

Judges to appoint additional Barristers in case of need.

XXIX. And be it enacted, That, notwithstanding any thing herein-before contained, if it shall appear to the Lord Chief Justice or Judge who shall have appointed any Barrister or Barristers under this Act to revise any Lists of Voters, that by reason of the Death, Illness,

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Illness, or Absence of any such Barrister or Barristers, or by reason of the Insufficiency of the Number of such Barristers, or from any other Cause, such List cannot be revised within the Period directed by this Act, it shall be lawful for such Lord Chief Justice or Judge, and he is hereby required, to appoint One or more Barrister or Barristers qualified as aforesaid to act in the Place of or in addition to the Barrister or Barristers originally appointed for any County, City, or Borough; and such Barrister or Barristers so subsequently appointed shall have the same Powers and Authorities in every respect as if they had been originally appointed by such Lord Chief Justice or Judge: Provided always, that whenever any such additional Barrister or Barristers shall have been appointed for the Revision of the Lists of Voters as aforesaid, and that in consequence or by reason of such Appointment the total Number of Barristers appointed to revise in any One Year shall exceed the whole Number herein-before authorized to be appointed, the Commissioners of Her Majesty's Treasury shall cause an Account of all such Appointments of additional Barristers, and the Sums respectively paid to them, to be laid before each House of Parliament within Twenty Days after the next Meeting of Parliament.

Barristers may hold separate Courts.

XXX. And be it enacted, That where Two or more Barristers shall be appointed for the same County, Riding, Parts or Division of a County, or for the same City or Borough, they may hold separate Courts at the same Time and Place for the Despatch of Business, or may hold separate Courts at different Times and Places, as shall be deemed most expedient.

Barrister to notify his Appointment to Clerk of the Peace and Town Clerks, who are to transmit to him Abstracts and Lists.

XXXI. And be it enacted, That every such Revising Barrister shall notify his Appointment to the Clerk of the Peace of every County and to the Town Clerk of every City and Borough of which he shall be appointed to revise the Lists; and each Clerk of the Peace shall as soon as possible transmit an Abstract of the Number of Persons objected to by the Overseers and by other Persons in each Parish and Township in and for the same County, and the Town Clerk of every City or Borough shall as soon as possible transmit an Abstract of the said several Lists of Claimants, and the Lists of Persons objected to, in each Parish or Township in and for the same City or Borough, to the said Barrister, in order that proper Times and Places for holding Courts for the Revision of such Lists respectively may be appointed.

Barristers to hold Courts for revising Lists of Voters for Counties within a certain Period, and to give Notice of the Times and Places of holding such Courts to

XXXII. And be it enacted, That the Barrister appointed to revise the Lists of any County shall make a Circuit and hold open Courts for such Revision at each of the Places which now are or hereafter may be appointed as Polling Places for such County, and at any other Places within the said County which he shall think expedient, at convenient Times between the Fifteenth Day of *September* inclusive and the last Day of *October* inclusive in the then current Year, and shall, Ten Days at the least before the holding of the First Court of Revision, give Notice to the Clerk of the Peace of the several Times and Places at which the said Courts will be holden, and of the several Parishes the Lists of and for which will be revised at each

each of the said Courts; and the said Clerk of the Peace shall forthwith cause public Notice thereof to be given by Advertisement in One or more of the Newpapers circulating within the said County, and shall cause a sufficient Number of Copies of the said Notice to be written or printed, and shall deliver or send a Copy thereof to the Overseers of every Parish or Township, and require them to publish the said Copy of the said Notice, and to attend at the Court therein appointed for the Revision of the List of Voters relating to their said Parish or Township, and the said Overseers shall forthwith publish the said Copy of the said Notice accordingly.

Clerk of the Peace, who is to give Notice thereof by Advertisement, and to the Overseers.

XXXIII. And be it enacted, That the Barrister or Barristers appointed to revise the Lists of Voters for any City or Borough shall hold an open Court or Courts for that Purpose within such City or Borough, and also within every Place sharing in the Election for such City or Borough, between the Fifteenth Day of *September* inclusive and the last Day of *October* inclusive in the then current Year, and such Barrister or Barristers shall, Seven Days at the least before holding any such Court or Courts, give Notice to the Town Clerk of such City or Borough of the Time and Place of holding the same; and if such Barrister shall, in his Discretion, deem it expedient to hold his Courts at different Times and Places within the said City or Borough, the said Barrister shall in such Case give Notice to the said Town Clerk of such Times and Places so appointed, and of the Parishes allotted to each Court; and the Town Clerk shall forthwith publish a Notice of the Time and Place of the holding of every such Court as aforesaid on the Town Hall, and on every Church and Chapel within such City or Borough, or, if there be no Church or Chapel or Town Hall therein, then in some public and conspicuous Place therein.

Barristers to hold Courts for revising the Lists of Voters for Boroughs, and give Notice thereof to the Town Clerk, who is to publish the same.

XXXIV. And be it enacted, That the Clerk of the Peace of every County, at the opening of the first Court to be so holden as aforesaid in and for the same County, shall deliver or cause to be delivered to the said Barrister or Barristers all the Lists of Voters for the then current Year, with the marginal Additions as aforesaid, and Lists of Persons objected to in the said Year, relating to the said County, and also One or more printed Copies of the Register of Voters then in force for the said County; and the Overseers of every Parish and Township shall attend the Court to be holden for revising the Lists relating to their Parish or Township, and shall deliver to the Barrister or Barristers holding such Court the original Notices of Claim and Notices of Objection given to them as aforesaid; and the said Clerk of the Peace and Overseers shall (if required) answer upon Oath all such Questions as such Barrister or Barristers may put to them, and produce all Documents, Papers, and Writings in their Possession, Custody, or Power touching any Matter herein mentioned.

Clerk of the Peace to attend the first Court, and Overseers to attend the Courts for their respective Districts and Parishes, and produce Lists of Voters, and answer Questions.

XXXV. And be it enacted, That the Town Clerk of every City or Borough, and the several Overseers for the Time being of every Parish or Township therein, and in the City of *London* the Secondaries and the Clerks of the several Livery Companies of such City,

Town Clerks, Overseers, and in London Secondaries and

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shall attend the first Court to be holden before every such Barrister for every such City or Borough, unless they shall have been respectively required by Notice to attend at some other Court, in which Case they shall attend the said Court as required; and the said Overseers, Town Clerks, and Secondaries respectively shall, at the opening of the said Court, deliver to the said Barrister the several Lists so made by them respectively as aforesaid, and also the original Notices of Claim and of Objection received by them as aforesaid; and the said Overseers shall also produce at the said Court all Rates made for the Relief of the Poor of their respective Parishes or Townships, between the Sixth Day of *April* in the Year then last past and the last Day of *July* in the then present Year; and the said Town Clerks, Overseers, Secondaries, and Clerks respectively shall answer upon Oath all such Questions as any such Barrister may put to them or any of them, and produce all Documents, Papers, and Writings in their Possession, Custody, or Power touching any Matter necessary for revising the List of Voters; and every such Barrister shall have Power to require any Assessor, Collector of Taxes, or other Officer having the Custody of any Tax Assessment or Duplicate, or any Overseer or Overseers of a past Year, or other Person having the Custody of any Poor Rate of the then current or any past Year, or any Relieving Officer, and in the City of *London* the Chamberlain or his Deputy, to attend before him at any Court to be holden by him in pursuance of this Act, and they shall attend accordingly, and answer upon Oath all such Questions as such Barrister may put to them.

Clerks of Companies, to attend the Courts, to produce Lists and answer Questions, &c.

Power of Barrister to require Attendance of Overseer of past Year, and Assessor and Collector, &c. of Taxes, who shall answer upon Oath all Questions put to them.

XXXVI. And be it enacted, That any Person whose Name shall appear in the List of Voters of any Parish or Township in and for any County, and whose Place of Abode, as stated in such List, shall not be within the Polling District at which the said Parish or Township shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Revising Barrister to vote at the Polling Place of the District wherein his said Place of Abode may be situate; and any Person whose Name shall appear in any List as aforesaid, and whose Place of Abode, as stated in such List, shall not be within the same County, shall be at liberty in like Manner to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Revising Barrister holding his Court for the Revision of the List of Voters in which the Name of such Person shall appear as aforesaid, and it shall then be lawful for the said Barrister to insert in the said List, against the Name of such Person so claiming as aforesaid, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every contested Election for the said County at the said last-mentioned Polling Place, and not elsewhere, any thing in the said recited Act to the contrary notwithstanding.

Voters residing out of the Polling District to which the Parish wherein their Qualification is situate belongs may vote in another Polling District, on making a Claim before the Revising Barrister.

XXXVII. And be it enacted, That if any Person who shall have given to the Overseers of any Parish or Township due Notice of his Claim

Barrister to have Power to insert in

Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Knight or Knights of the Shire shall have been omitted by such Overseers from such List, it shall be lawful for the Revising Barrister, upon the Revision of such List, to insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Barrister that such Person gave due Notice of such his Claim to the said Overseers, and that he was entitled on the last Day of *July* then next preceding to be inserted in the said List of Voters.

the County Lists the Names of Claimants omitted by the Overseer, on Proof of Claim and Qualification.

XXXVIII. And be it enacted, That the Revising Barrister shall insert in any List of Voters for any City or Borough the Name of every Person omitted who shall be proved to the Satisfaction of such Barrister to have given due Notice of his Claim to be inserted in such List, and to have been entitled on the last Day of *July* then next preceding to have his Name inserted therein in respect of the Qualification described in such Notice of Claim.

Power of Barrister to insert Names in Lists of Borough Voters.

XXXIX. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for any County, City, or Borough to oppose the Claim of any Person so omitted as aforesaid to have his Name inserted in any List of Voters for the same County, City, or Borough; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the hearing of the said Claim, give Notice in Writing to the Revising Barrister of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeal, and other Matters relating to the hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices as herein-after mentioned.

Any Person on List of Voters may object to Claimants.

XL. And be it enacted, That the Revising Barrister shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead; and wherever the Christian Name, or the Place of Abode, or the Nature of the Qualification, or the local or other Description of the Property of any Person who shall be included in any such List, and the Name of the occupying Tenant thereof, shall be wholly omitted in any Case where the same is by this Act directed to be specified therein, or if any Person whose Name is included in any such List, or his Place of Abode, or the Nature or Description of his Qualification, shall, in the Judgment of the Revising Barrister, be insufficiently described for the Purpose of being identified, such Barrister shall expunge the Name of every such Person from such List, unless the Matter or Matters so omitted or insufficiently described be supplied to the Satisfaction of such Barrister before he shall have completed the Revision of such List, in which

Corrections which may be made by Barrister in the Register.

Case

No Change to be made of the Qualification stated in the Lists.

Case he shall then and there insert the same in such List: Provided always, that, whether any Person shall be objected to or not, no Evidence shall be given of any other Qualification than that which is described in the List of Voters or Claim, as the Case may be, nor shall the Barrister be at liberty to change the Description of the Qualification as it appears in the List, except for the Purpose of more clearly and accurately defining the same; and where the Name of any Person inserted in any List of Voters shall have been objected to by the Overseers, or by any other Person, and such other Person so objecting shall appear by himself, or by some one on his Behalf, in support of such Objection, and shall prove that he gave the Notice or Notices respectively required by this Act to be given by him, every such Barrister shall then require it to be proved that the Person so objected to was entitled on the last Day of *July* then next preceding to have his Name inserted in the List of Voters in respect of the Qualification described in such List; and in case the same shall not be proved to the Satisfaction of such Barrister, or in case it shall be proved that such Person was then incapacitated by any Law or Statute from voting in the Election of Members to serve in Parliament, such Barrister shall expunge the Name of every such Person from the said Lists: Provided always, that where any Person whose Name appears on any List of Voters for any County shall be objected to on the Ground of having changed his Place of Abode without having sent in a fresh Notice of Claim, it shall be lawful for the Barrister on revising the List to retain the Name of such Person on the List of Voters, provided that such Person, or some one in his Behalf, shall prove that he possessed, on the last Day of *July*, the same Qualification in respect of which his Name has been inserted in such List, and shall also supply his true Place of Abode, which the said Barrister shall insert in such List.

Mode of proceeding in Cases of Objection.

Provision in certain Cases of Change of Abode.

Power of Revising Barristers to adjourn their Courts, administer Oath, &c.

XLI. And be it enacted, That every Revising Barrister holding any Court under this Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same County, or within the same City or Borough, but so that no such adjourned Court shall be holden after the last Day of *October* in any Year; and at every Court to be holden as aforesaid by any Revising Barrister the said Barrister shall have Power to administer an Oath to all Persons examined before him, and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath or Affirmation under this Act, who shall wilfully swear or affirm falsely, shall be deemed guilty of Perjury, and at the holding of such respective Courts no Party or other Person shall appear or be attended by Counsel; and every such Barrister shall upon the hearing in open Court finally determine upon the Validity of such Claims and Objections, and shall for that Purpose have the same Powers and proceed in the same Manner (except where otherwise directed by this Act) as the Returning Officer of any County, City, or Borough, according to the Laws and Usages observed at Elections previous to the passing of the said recited Act; and such Barrister shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part

Persons swearing falsely guilty of Perjury.

Barrister in open Court to decide upon Validity of Claims and Objections.

of

of the said Lists in which any Mistake shall have been corrected or any Omission supplied or any Insertion made by him, and shall sign his Name to every Page of the several Lists so settled.

Appeal from Revising Barrister's Decision on Points of Law.

XLII. And be it enacted, That it shall be lawful for any Person who, under the Provisions herein-before contained, shall have made any Claim to have his Name inserted in any List, or made any Objection to any other Person as not entitled to have his Name inserted in any List, or whose Name shall have been expunged from any List, and who in any such Case shall be aggrieved by or dissatisfied with any Decision of any Revising Barrister on any Point of Law material to the Result of such Case, either himself or by some Person on his Behalf, to give to the Revising Barrister in Court, before the rising of the said Court, on the same Day on which such Decision shall have been pronounced, a Notice in Writing that he is desirous to appeal, and in such Notice shall shortly state the Decision against which he desires to appeal; and the said Barrister thereupon, if he thinks it reasonable and proper that such Appeal should be entertained, shall state in Writing the Facts which according to his Judgment shall have been established by the Evidence in the Case, and which shall be material to the Matter in question, and shall also state in Writing his Decision upon the whole Case, and also his Decision upon the Point of Law in question appealed against; and such Statement shall be made as nearly as conveniently may be in like Manner as is now usual in stating any special Case for the Opinion of the Court of Queen's Bench upon any Decision of any Court of Quarter Sessions; and the said Barrister shall read the said Statement to the Appellant in open Court, and shall then and there sign the same; and the said Appellant, or some one on his Behalf, shall at the End of the said Statement make a Declaration in Writing under his Hand to the following Effect, that is to say, "I appeal from this Decision;" and the said Barrister shall then indorse upon every such Statement the Name of the County and Polling District, or City and Borough, and of the Parish or Township to which the same shall relate, and also the Christian Name and Surname and Place of Abode of the Appellant and of the Respondent in the Matter of the said Appeal, and shall sign and date such Indorsement; and the said Barrister shall deliver such Statement, with such Indorsement thereon, to the said Appellant, to be by him transmitted to Her Majesty's Court of Common Pleas at *Westminster* in the Manner herein-after mentioned; and the said Barrister shall also deliver a Copy of such Statement, with the said Indorsement thereon, to the Respondent in such Appeal who shall require the same.

Revising Barrister to prepare a Statement of Facts.

Appellant to make a Declaration in Writing.

Revising Barrister to indorse on Statement the Names of Parties, &c.;

and deliver a Copy to either Party requiring it.

Who shall be Respondent on Appeal.

XLIII. And be it enacted, That in the Matter of every such Appeal the Party in whose Favour the Decision appealed against shall have been given shall be the Respondent; but if there be no such Party, or if such Party, or some one on his Behalf, shall in open Court decline, and state in Writing that he declines, to support the Decision appealed against as Respondent, then and in every such Case it shall be lawful for the said Revising Barrister to name any Person who may be interested in the Matter of the said Appeal, and who may consent, or the Overseers of any Parish or Township,

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or the Town Clerk of any City or Borough, to be, and such Person so consenting, or such Overseers or Town Clerk respectively so named, shall be deemed to be the Respondent or Respondents in such Appeal.

Power to consolidate Appeals.

XLIV. And be it enacted, That if it shall appear to any Revising Barrister that the Validity of any Number of such Claims or Objections determined by him at any Court as aforesaid depends and has been decided by him upon the same Point or Points of Law, and the Parties, or any of them, aggrieved by or dissatisfied with his Decision thereon, shall have given Notice of an Intention to appeal therefrom, it shall in such Case be lawful for the said Barrister to declare that the Appeals against such Decision ought to be consolidated, and the said Barrister shall in such Case state in Writing the Case, and his Decision thereon, in manner herein-before mentioned, and that several Appeals depend upon the same Decision, and ought to be consolidated, and shall read such Statement, and sign the same, as herein-before mentioned, and thereupon it shall be lawful for the said Barrister to name any Person interested, and consenting, for and on behalf of himself and all other Persons in like Manner interested in such Appeals, to be the Appellant or Respondent respectively in such consolidated Appeal, and to prosecute or answer the said Appeal, in like Manner as any Appellant or Respondent might in his own Case under the Provisions of this Act, and the Person so named Appellant in such consolidated Appeal, or some one on his Behalf, shall, at the End of the said Statement, make and sign a Declaration in the Form or to the Effect following; (that is to say,)

'I, FOR myself and on behalf of all the other Persons who are interested as Appellants in this Matter, and whose Names are hereunder written, do appeal against this Decision, and agree to prosecute this Appeal.'

And the Person so named Respondent in such consolidated Appeal, or some one on his Behalf, shall in like Manner make and sign a Declaration in Writing in the Form or to the Effect following; (that is to say),

'I, FOR myself and on behalf of all the other Persons interested as Respondents in this Matter, and whose Names are hereunder written, do agree to appear and answer this Appeal.'

And the Name, and, where necessary, the Particulars of the Qualification of every Party intended to be joined in such consolidated Appeal, shall be written under the aforesaid Declaration of the Appellant or Respondent respectively to which they may respectively refer: Provided always, That it shall be lawful for the said Barrister, if necessary, in any Case to name the Overseers of any Parish or Township, or the Town Clerk of any City or Borough, to be, and they or he so named shall be, the Respondents or Respondent in such consolidated Appeal, without any such Declaration being made or signed by them or him as herein-before mentioned.

Overseers or Town Clerk may be named as Respondents.

Consolidated Appeals to be conducted

XLV. And be it enacted, That in and with regard to every such consolidated Appeal the like Proceeding shall be had and taken and the

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the like Rules and Regulations shall apply as in the Case of any other Appeal under this Act; and that every Order, Judgment, or Decision of the said Court of Common Pleas shall be equally valid and effectual for all the Purposes of this Act, and binding and conclusive upon all the Parties named in or referred to as Parties to such consolidated Appeal as aforesaid; and that if in any Case all or any of the Parties to such consolidated Appeal shall make or enter into any Agreement as to the Mode of contributing among themselves to the Costs and Expences of such Appeal, the said Agreement may, upon the Application of any Party or Parties thereto, be made a Rule of the said Court of Common Pleas, if the said Court shall think fit: Provided always, that if any such consolidated Appeal shall not be duly prosecuted or answered, it shall be lawful for the said Court of Common Pleas, or for the Lord Chief Justice or any Judge of the said Court, to give to any Party or Parties interested in such Appeal, upon his or their Application, the Conduct and Direction of the said Appeal, or of the Answer thereto, respectively, as the Case may require, instead of or in addition to any Person named as aforesaid as Appellant or Respondent, and in such Manner and upon such Terms as the said Court or Lord Chief Justice or Judge may think fit and order, or to make such other Order in the Case as may seem meet; provided also, that if after the said Barrister shall as aforesaid have declared that the Appeal in any Case ought to be with others consolidated, any Party interested in such Appeal shall object and refuse to be a Party to or to be bound by any such consolidated Appeal, then and in such Case the Appeal in which such Person is interested may proceed separately, but such Person so refusing or objecting shall be liable to pay Costs to the other Party, but shall not be entitled to receive any Costs of or in such Appeal, unless the said Court otherwise order.

as any single Appeal.

Agreement for Contribution to Costs of consolidated Appeal may be made a Rule of Court.

If consolidated Appeal not duly prosecuted or answered, the Court or a Judge may give Conduct of it or of the Answer to other Persons.

If Party interested shall refuse to be a Party, &c.

XLVI. And be it enacted, That if in any Case it shall appear to any Revising Barrister holding any Court as aforesaid that any Person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious Claim or Objection or Title to have any Name inserted or retained in any List of Voters, it shall be lawful for the said Barrister, in his Discretion, to make such Order as he shall think fit for the Payment by such Person of the Costs or of any Part of the Costs of any Person or Persons in resisting such Claim or Objection or Title; and in every such Case the said Barrister shall make an Order in Writing, specifying the Sum which he shall order to be paid for such Costs, and by and to whom and when and where the same Sum shall be paid, and shall date and sign the said Order, and deliver it to the Person or Persons to whom the said Sum shall therein be ordered to be paid: Provided always, that the said Sum so ordered to be paid by way of Costs shall not in any Case exceed the Sum of Twenty Shillings: Provided also, that such Order for the Payment of Costs as aforesaid may be made in any Case, notwithstanding any Party shall have given Notice of his Intention to appeal against any Decision of the Revising Barrister in the same Case; but in case of such Appeal the said Order for the Payment of Costs shall be suspended, and shall abide the Event of such Appeal, unless the Court of Appeal shall otherwise direct; but no

Power to Barrister to give Costs in certain Cases to Parties claiming or objecting.

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no Appeal shall be allowed or entertained against or only in respect of any such Order for the Payment of Costs: Provided also, that whenever any Revising Barrister shall have made any such Order for the Payment of any Sum of Money for Costs by any Person who shall have made any Objection as aforesaid, it shall not be lawful for the said Barrister to hear or admit Proof of any other Objection or Notice of Objection made or signed by the same Person until the Sum of Money so ordered to be paid by him for Costs be paid to the Person entitled to receive the same, or deposited in the Hands of the said Barrister in Court, for the Use of the Person so entitled.

County Lists to be transmitted to Clerk of the Peace, and to be by him copied into a Book.

XLVII. And be it enacted, That the said Lists of Voters for each County, signed as aforesaid, shall be forthwith transmitted by the Revising Barrister to the Clerk of the Peace of the same County, and the Clerk of the Peace shall keep the said Lists among the Records of the Sessions, and shall forthwith cause the said Lists to be copied and printed in a Book or Books, arranged with the Names in each Parish or Township in strict alphabetical Order, according to the Surnames, and with every Polling District in alphabetical Order, and with every Parish or Township within such Polling District likewise in the same Order, and shall, after the last List for each Polling District, insert a List in like alphabetical Order of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall in manner herein-before mentioned have been registered by the Revising Barrister to vote at the Polling Place of such last-mentioned District, and shall in the said Book prefix to every Name its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name: Provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such List inserted after the last List for any Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Parish or Township in which his Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form that the List of Voters of and for each and every separate Parish or Township contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling Place, or the List of every or any single Parish or Township, may be ready for the Purposes of this Act or for Sale; and the said Clerk of the Peace shall sign and deliver the said Book or Books on or before the last Day of *November* in the then current Year to the Sheriff of the County, to be by him and his Successors in the Office of Sheriff safely kept, for the Purposes herein-after and in the said recited Act mentioned.

Clerk of the Peace to sign and deliver a Copy to the Sheriff.

Borough Lists to be delivered to the Town Clerks, and copied into a Book.

XLVIII. And be it enacted, That the Lists of Voters for each City or Borough, signed as aforesaid, shall be forthwith delivered by the Revising Barrister to the Town Clerk of the same City or Borough; and the said Town Clerk shall forthwith cause the said Lists to be copied and printed in a Book; and in the said Book the said Lists shall be arranged and every Name numbered according to the Direc-

tions

tions aforesaid with regard to the County Lists, so far as the same are applicable; and the said Town Clerk shall sign and deliver the said Book on or before the said last Day of *November* to the Returning Officer of the same City or Borough, to be by him and his Successors as Returning Officer safely kept for the Purposes herein-after mentioned.

Counties, Cities and Boroughs

Town Clerks to sign and deliver same to Returning Officers.

XLIX. And be it enacted, That the said printed Book or Books, so signed as aforesaid by the Clerk of the Peace or Town Clerk respectively, and given into the Custody of the Sheriff of any County, or the Returning Officer of any City or Borough, as the Case may be, shall be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which shall take place in and for the same County, City, or Borough respectively, between the last Day of *November* in the Year wherein such Register shall have been made and the First Day of *December* in the succeeding Year: Provided always, that the Register of Electors now in force shall be the Register in force until the First Day of *December* in the Year One thousand eight hundred and forty-three; and the Clerk of the Peace of every County, and the Town Clerk of every City or Borough respectively, shall keep printed Copies of the said Register for such County, City, or Borough, and shall deliver such Copies of such Register, or of any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table numbered (2.) in the Schedule (D.) to this Act annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish or Township without taking or paying for the whole that relates to such Parish or Township.

Books to be the Register of Voters for One Year.

Copies of Registers to be printed for Sale.

L. And be it enacted, That any Assessor or Collector of Taxes, or other Officer, or any Overseer or Overseers of the Poor, or other Persons having the Custody of any Poor-rate Book for any past Year, or any Assistant Overseer or Relieving Officer, who shall wilfully refuse or neglect, when duly required by Summons under the Hand of any Revising Barrister, to attend before such Barrister at any Court to be holden as aforesaid, according to the Exigency of such Summons, shall, upon Proof before him of the Service of such Summons, be liable to pay by way of Fine for every such Offence a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the said Barrister holding any such Court as aforesaid.

Assessors and other Officers neglecting to attend when summoned by Revising Barrister, liable to be fined.

LI. And be it enacted, That any Overseer of any Parish or Township who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who in making out the List of Voters for any City or Borough shall wilfully and without any reasonable Cause omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully and without reasonable Cause insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice or List, or Copy of the Part of the Register of Voters relating to his Parish or Township,

Power to Barristers to fine Overseers for Neglect of Duty.

Counties, Cities, and Boroughs.

Township, at the Time and in the Manner required by this Act, or who shall wilfully refuse or neglect to deliver to the Clerk of the Peace the Copy of the Lists of Claimants and of Persons objected to, and the Copies of the Register, as required by this Act, or who shall wilfully refuse or neglect to deliver to the Town Clerk of the City or Borough the Copies of the several Lists as required by this Act, or who shall wilfully refuse or neglect to attend the Court for revising the Lists of Voters of his Parish or Township, or to attend any Revising Barrister when required by any Summons as aforesaid, or who shall wilfully refuse or neglect to deliver to the Barrister or Barristers holding any such Court the several Lists to be made out by them as aforesaid, or who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay by way of Fine a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of any Barrister holding any Court for the Revision of any List of the Parish or Township of such Overseer: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Overseer or other Person liable to any Fine as aforesaid, or any Liability such Overseer or other Person may incur under or by virtue of this Act or the said recited Act.

Fines, to whom payable, and to what Purpose to be applied.

LII. And be it enacted, That every Revising Barrister, when and so often as he shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing under his Hand stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid, and the Person to whom the said Sum shall be so ordered to be paid shall receive the same, and in every Case where the Offence for which the said Fine shall have been so imposed shall relate to the Formation of the Register of Voters for any County he shall pay over the Sum so received by him to the Clerk of the Peace of the same County, and in every Case where such Offence shall relate to the Formation of the Register of Voters for any City or Borough he shall pay over the Sum so received by him to the Town Clerk of the same City or Borough, or to the said Secondaries, as the Case may require.

Clerk of the Peace and Town Clerk to account for and pay over all Monies received by them.

LIII. And be it enacted, That the Clerk of the Peace of every County and the Town Clerk of every City or Borough respectively shall keep an Account of all Monies to be received by him or them for or on account of the Sale of any Copies of the Register as aforesaid, or for or by way of Fine imposed as aforesaid; and the said Clerk of the Peace shall pay over or account for all such Monies received by him to the Treasurer of the same County, to be applied in aid of the County Rate; and the said Town Clerk shall pay over or account for all such Monies so received by them to and amongst the Overseers of the several Parishes and Townships within every City or Borough; and the Share of each Parish or Township shall be calculated as nearly as may be according to the same relative Proportion as the Number of Persons whose Names shall appear in the List of the said Parish or Township shall bear to the Number in all the other Lists upon the same Register; and the said Monies, together

with all Monies received by any Overseers from the Sale by them of any Lists, shall be paid and applied by the said Overseers in aid of the Monies collected for the Relief of the Poor. *Counties, Cities, and Boroughs.*

Expences of Clerks of the Peace, how to be defrayed.

LIV. And be it enacted, That an Account of all Expences incurred by any Clerk of the Peace of any County in carrying into effect the Provisions of this Act shall be laid before the Justices of the Peace at the next Quarter Sessions after such Expences shall have been incurred, and the said Justices of the Peace shall make their Order upon the Treasurer of the said County for the Payment of such Expences, or such Part thereof as they shall allow to the said Clerk of the Peace, out of the public Stock of the said County.

Expences of Town Clerks and Returning Officers, how to be defrayed.

LV. And be it enacted, That all the Expences incurred by any Town Clerk or Returning Officer of any City or Borough in carrying into effect the Provisions of this Act shall be defrayed out of the Monies to be collected for the Relief of the Poor in the several Parishes and Townships within the same City or Borough; and the Sum to be contributed by every such Parish or Township shall be calculated, as nearly as may be, according to the same relative Proportion as the Number of Persons whose Names shall appear in the List of the said Parish or Township shall bear to the Number in all the other Lists upon the same Register; and an Account of all the said Expences so incurred, and also an Account of the Sum to be contributed for defraying the same by each Parish or Township as aforesaid, shall, as soon as may be after the said Expences shall have been so incurred, be laid before the Common Council or Town Council of the said City or Borough, or if there be no such Council in any City or Borough, then before the Justices of the Peace at the Quarter Sessions to be holden in and for the County in which the same City or Borough is situate; and the said Council or the said Justices respectively shall when they allow the said Accounts make and give to the said Town Clerk a Certificate of the total Sum allowed by such Council or Justices in respect of the said Expences, and also a Certificate of the Sum to be paid by and as the Contribution of each of the said Parishes or Townships towards defraying the same; and thereupon it shall be lawful for the Overseers of every such Parish or Township, and they are hereby required, out of the first Monies to be collected for the Relief of the Poor, to pay the Sum in such Certificate mentioned to be paid by and as the Contribution of the said Parish or Township to the said Town Clerk.

Meaning of the Words "Town Clerk" in certain Cases.

LVI. Provided always, and be it enacted, That throughout this Act the Words "Town Clerk" shall not be understood to mean or apply to the Town Clerks of the Cities of *London* or *Westminster*, or to the Town Clerk of the Borough of *Southwark*, but throughout this Act by the Words "Town Clerk" shall be understood in regard to the City of *London* the Secondaries of the said City, and in regard to the City of *Westminster* the High Bailiff of the said City, and in regard to the Borough of *Southwark* the High Bailiff of the said Borough.

LVII. And

Counties, Cities, and Boroughs.

Expences of Overseers, how to be defrayed.

LVII. And be it enacted, That an Account of all Expences incurred by the Overseers of every Parish or Township in carrying into effect the Provisions of this Act shall be laid before the Revising Barrister at the Court at which the List of Voters for such Parish or Township shall be revised; and the said Barrister shall sign and give to the said Overseers a Certificate of the Sum which he shall allow to be due to them in respect of the said Expences; and it shall be lawful for the said Overseers to receive the Sum so certified to be due to them from and out of the first Monies thereafter to be collected for the Relief of the Poor in the same Parish or Township.

No Payment necessary by Persons making Claim in Counties;

nor by Persons on Register in Cities and Boroughs.

LVIII. And be it enacted, That, notwithstanding any thing in the said recited Act contained, it shall not be necessary for or required of any Person claiming or upon giving Notice of any Claim as herein or in the said recited Act mentioned to pay or cause to be paid to the Overseer of any Parish or Township the Sum of One Shilling, or any other Sum; nor shall any Notice of Claim as aforesaid be invalid by reason of such or any Sum not having been paid; and no Person whose Name shall be upon any Register of Voters for any City or Borough shall be therefore liable to the Payment of One Shilling annually, or of any other Sum on that Account.

Remuneration of Revising Barristers.

LIX. And be it enacted, That every Barrister appointed to revise any Lists of Voters under this Act shall be paid the Sum of Two hundred Guineas, by way of Remuneration to him, and in satisfaction of his travelling and other Expences; and every such Barrister, after the Termination of his last Sitting, shall forward his Appointment to the Commissioners of Her Majesty's Treasury, who shall make an Order for the Payment of the above Sums to every such Barrister, and all such Sums shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that in the Case of any Barrister having been appointed under this Act to revise any Lists of Voters in addition to the Barrister or Barristers originally appointed, such Barrister, instead of the Sums above mentioned, shall be paid at the Rate of Five Guineas for every Day that he shall be so employed, together with Three Guineas each Day for his travelling and other Expences; and every such last-mentioned Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the Commissioners of Her Majesty's Treasury his Appointment, and a Statement of the Number of Days during which he shall have been so employed; and the said Commissioners shall make an Order for the Payment of such Sum as shall thereupon appear to be due to every such last-mentioned Barrister, and every such Sum shall also be paid out of the said Consolidated Fund, but so that no such Barrister shall be entitled to or in any Case be paid more than the Sum of Two hundred Guineas.

Appeals to be heard by the Court of Common Pleas.

LX. And be it enacted, That all Appeals or Matters of Appeal from or in respect of any Decision of any Revising Barrister entertained in manner herein-before mentioned shall be prosecuted, heard, and determined in and by Her Majesty's Court of Common Pleas at *Westminster* according to the ordinary Rules and Practice of that Court

Court with respect to special Cases, so far as the same may be applicable, and not inconsistent with the Provisions of this Act, or in such Manner and Form, and subject to such Rules and Regulations, as the said Court from Time to Time, by any Rule or Order made for regulating the Practice and Proceedings in such Appeals, shall order and direct. *Counties, Cities, and Boroughs.*

LXI. And be it enacted, That for the Purposes of this Act, and in all Matters relating to such Appeals, Her Majesty's Counsel learned in the Law, and all other Barristers at Law, shall and may, according to their respective Rank and Seniority, have and exercise equal Right and Privilege of practising, pleading, and audience in the said Court with the Serjeants at Law; and that it shall not be lawful for the said Court to exclude the Parties to any Appeal from appearing or being heard by Counsel before the said Court. Barristers to have equal Right of practising with Serjeants.

LXII. And be it enacted, That every Appellant who shall intend to prosecute his Appeal shall, within the first Four Days in the *Michaelmas* Term next after the Decision to which such Appeal shall relate, transmit to the Masters of the said Court of Common Pleas the Statement in Writing so signed by the said Revising Barrister as aforesaid, and shall also therewith give or send a Notice, signed by him, stating therein his Intention to prosecute the said Appeal, and the said Appellant shall also give or send a Notice, signed by him, to the Respondent in the said Appeal, stating his said Intention duly to prosecute such Appeal in the said Court; and one of the Masters of the said Court, to be nominated for that Purpose by the Lord Chief Justice of the said Court, shall forthwith enter every Appeal of which he shall have received due Notice from the Appellant as aforesaid in a Book to be kept by him for that Purpose. Notice of Appeal to be given by Appellant. Appeals to be entered in a Book.

LXIII. And be it enacted, That the Judges of the said Court of Common Pleas shall, as soon as may be after the Fourth Day of *Michaelmas* Term in every Year, make Arrangements for hearing the Appeals entered as aforesaid, and shall appoint such certain Day or Days, either in Term Time or in Time of Vacation, as they may think fit and necessary, but as early as conveniently may be, for the Purpose of hearing and deciding such Appeals; and the said Judges shall cause public Notice to be given of the Time and Place so appointed by them for that Purpose, and of the Order in which such Appeals will be heard. Court to give Notice of the Time and Place of hearing Appeals.

LXIV. And be it enacted, That no Appeal or Matter of Appeal whatsoever shall in any Case, except where the Conduct and Direction of the Appeal, or of the Answer thereto, shall have been given by Order of the Court of Common Pleas, or of any Judge thereof, to any Person, be entertained or heard by the said Court unless Notice shall have been given by the Appellant to the Masters of the said Court at the Time and in the Manner herein-before mentioned; and no Appeal shall be heard by the said Court in any Case where the said Respondent shall not appear, unless the said Appellant shall prove that due Notice of his Intention to prosecute such Appeal was given or sent to the said Respondent Ten Days at least before the No Appeal to be entertained unless Notice given.

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Day appointed for the hearing of such Appeal: Provided always, that if it shall appear to the said Court that there has not been reasonable Time to give or send such Notice in any Case, it shall be lawful for the said Court to postpone the hearing of the Appeal in such Case, as to the said Court shall seem meet.

No Appeal on Questions of Fact or the Admissibility of Evidence.

Court may remit Case to Revising Barrister to be more fully stated.

LXV. And be it enacted, That no Appeal or Notice of Appeal under this Act shall be received or allowed against any Decision of any Revising Barrister upon any Question of Fact only, or upon the Admissibility or Effect of any Evidence or Admission adduced or made in any Case to establish any Matter of Fact only: Provided always, that if the said Court shall be of opinion in any Case that the Statement of the Matter of the Appeal is not sufficient to enable them to give Judgment in Law, it shall be lawful for the said Court to remit the said Statement to the Revising Barrister by whom it shall have been signed, in order that the Case may be more fully stated.

Decisions of Court to be final.

LXVI. And be it enacted, That every Judgment or Decision of the said Court shall be final and conclusive in the Case upon the Point of Law adjudicated upon, and shall be binding upon every Committee of the House of Commons appointed for the Trial of any Petition complaining of an undue Election or Return of any Member or Members to serve in Parliament.

Decisions of Court to be notified to the Sheriff or Returning Officer, and Register to be altered conformably.

LXVII. And be it enacted, That whenever by any Judgment or Order of the said Court any Decision or Order of any Revising Barrister shall be reversed or altered, so as to require any Alteration or Correction of the Register of Voters for any County, or for any City or Borough, Notice of the said Judgment or Order of the said Court shall be forthwith given by the said Court to the Sheriff or Returning Officer, as the Case may be, having the Custody of such Register, and the said Notice shall be in Writing under the Hand of One of the Masters of the said Court, and shall specify exactly every Alteration or Correction to be made, in pursuance of the said Judgment or Order, in the said Register; and such Sheriff or Returning Officer respectively shall, upon the Receipt of the said Notice, alter or correct the said Register accordingly, and shall sign his Name against every such Alteration or Correction in the said Register, and shall safely keep and hand over to his Successors every such Notice received by him from the said Court as aforesaid, together with the said Register.

Copies of Decisions on Appeals to be admissible in Evidence.

LXVIII. And be it enacted, That a Copy of any Order or Decision of the said Court, such Copy purporting to be signed by One of the Masters of the said Court, shall be sufficient Evidence in all Cases, without Proof of the Signature of the said Master, and shall have the like Force and Effect as any Entry made in any List or Register of Voters under this or the said recited Act.

Appeal pending not to affect Right of Voting.

LXIX. And be it enacted, That no Right of Voting at any Election of a Member or Members to serve in Parliament shall be affected by any Appeal pending in the said Court at the Time of the issuing of the Writ for such Election, but it shall be lawful for every

every Person to exercise the Right of Voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were pending; and that the subsequent Decision of any Appeal which shall be pending in the said Court at the Time of the issuing of the Writ for any such Election shall not in any way whatsoever alter or affect the Poll taken at such Election, nor the Return made thereat by the Returning Officer.

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No Decision after Election to affect the Result of such Election.

LXX. And be it enacted, That it shall be lawful for the said Court to make such Order respecting the Payment of the Costs of any Appeal, or of any Part of such Costs, as to the said Court shall seem meet: Provided always, that it shall not be lawful for the said Court in any Case to make any Order for Costs against or in favour of any Respondent or Person named as Respondent as aforesaid, unless he shall appear before the said Court in support of the Decision of the Revising Barrister in question.

Court of Appeal may give Costs.

LXXI. And be it enacted, That in case any Sum of Money by the Order of any Revising Barrister as aforesaid directed to be paid by any Person by way of Fine or for Costs, shall not be paid according to the Terms of such Order, it shall be lawful for any Justice of the Peace and he is hereby required, upon Proof before him that a true Copy of the said Order hath been served upon or left at the usual Place of Abode of the Person in the said Order directed to pay such Sum, and that the said Sum hath been demanded of such Person, and that he hath refused or neglected to pay the same, by Warrant under his Hand and Seal to order the said Sum of Money, together with the Costs of and attending the said Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Person so making default which may be found within the Jurisdiction of the said Justice; and the Overplus, if any, after the said Sum of Money and Costs, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of the said Goods and Chattels: Provided always, that no Certiorari or other Writ or Process for the Removal of any such Order or Warrant, or of any Order or Warrant to be made or issued on account of a false Charge of Personation in the Manner hereinafter provided, or any Proceeding thereon respectively, into any of Her Majesty's Courts at *Westminster*, shall be allowed or granted.

Costs and Fines to be recovered by Distress and Sale of the Parties Goods.

No Certiorari allowed.

LXXII. And whereas Doubts have arisen whether the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent fraudulent and occasional Votes in Elections of Knights of the Shire, and of Members for Cities and Towns which are Counties of themselves, so far as relates to the Right of Voting by virtue of an Annuity or Rent-charge*, are still in force: And whereas the Provisions of the said Act have become unnecessary; be it therefore enacted, That the said Act shall be and the same is hereby repealed.

3 G. 3. c. 24. repealed.

LXXIII. And whereas by the said first-recited Act it is enacted, that "every Male Person of full Age, and not subject to any legal Incapacity, who shall occupy as Tenant any Lands or Tenements for which he shall

Right of Voting in Counties by Occupiers of not less than 50*l.*

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shall be *bonâ fide* liable to a yearly Rent of not less than Fifty Pounds, shall be entitled to vote in the Election of a Knight or Knights of the Shire to serve in any future Parliament for the County, or for the Riding, Parts or Division of the County in which such Lands or Tenements shall be respectively situate:" And whereas it is also thereby enacted, that "no Person shall be so registered in any Year in respect of any Lands and Tenements held by him as such Occupier and Tenant as aforesaid unless he shall have been in the actual Possession thereof for Twelve Calendar Months next previous to the last Day of *July* in such Year;" be it declared and enacted,

Successive Occupation.

That the Lands and Tenements in respect of the Occupation of which at a yearly Rent of not less than Fifty Pounds any Person shall be so entitled to be registered in any Year, and to vote in the Election of a Knight or Knights of the Shire as aforesaid, shall not be required to be the same Lands and Tenements, but may be different Lands and Tenements, rented and occupied as aforesaid in immediate Succession by such Person during the Twelve Calendar Months next previous to the last Day of *July* in such Year; and

Joint Occupiers may vote

that where any such Lands and Tenements shall be jointly rented and occupied by more Persons than One, each of such joint Occupiers shall be entitled to be registered and vote in such Election as last aforesaid in respect of the Lands and Tenements so jointly rented and occupied, in case the yearly Rent for which they shall be *bonâ fide* liable in respect of such Lands and Tenements shall be of an Amount which, when divided by the Number of such Occupiers, shall give a *bonâ fide* Rent of not less than Fifty Pounds for each and every such Occupier, but not otherwise.

Provision as to Trust and Mortgage Estates.

LXXIV. And whereas by the said first-recited Act it is enacted, "that no Person shall be allowed to have any Vote in the Election of a Knight or Knights of the Shire, for or by reason of any Trust Estate or Mortgage, unless such Trustee or Mortgagee be in actual Possession or Receipt of the Rents and Profits of the same Estate, but that the Mortgagor or Cestuique Trust in Possession shall and may vote for the same, notwithstanding such Mortgage or Trust:" And whereas it is also thereby enacted, "that no Person shall be registered in any Year in respect of his Estate or Interest in any Lands or Tenements as Freeholder, Copyholder, Customary Tenant, or Tenant in Ancient Demesne, unless he shall be in actual Possession or in Receipt of the Rents and Profits thereof to his own Use for Six Calendar Months at least previous to the last Day of *July* in such Year:" And whereas Doubts have arisen as to the true Intent and Meaning of the said first-mentioned Enactment in certain Cases; be it therefore declared and enacted, That no Mortgagee of any Lands or Tenements shall have any Vote in the Election of a Knight or Knights of the Shire, or in the Election of a Member or Members to serve in any future Parliament for any City or Borough in which Freeholders now have a Right to vote, for or by reason of any Mortgage Estate therein, unless he be in the actual Possession or Receipt of the Rents and Profits thereof, but that the Mortgagor in actual Possession or in Receipt of the Rents and Profits thereof shall and may vote for the same, notwithstanding such Mortgage; and that no Trustee of any Lands or Tenements shall in any Case have a Right

to vote in any such Election for or by reason of any Trust Estate therein, but that the Cestuique Trust in actual Possession or in the Receipt of the Rents and Profits thereof, though he may receive the same through the Hands of the Trustee, shall and may vote for the same, notwithstanding such Trust. *Counties, Cities, and Boroughs.*

LXXV. And whereas by the said first-recited Act it is enacted, that in every City or Borough which shall return a Member or Members to serve in any future Parliament, every Male Person of full Age, and not subject to any legal Incapacity, who shall occupy within such City or Borough, or within any Place sharing in the Election for such City or Borough, as Owner or Tenant, any House, Warehouse, Counting-house, Shop, or other Building, being, either separately or jointly with any Land within such City, Borough, or Place, occupied therewith by him as Owner, or occupied therewith by him as Tenant under the same Landlord, of the clear yearly Value of not less than Ten Pounds, shall, if duly registered according to the Provisions therein-after contained, be entitled to vote in the Election of a Member or Members to serve in any future Parliament for such City or Borough; and it is also provided, that no such Person shall be so registered in any Year unless he shall have occupied such Premises as aforesaid for Twelve Calendar Months next previous to the last Day of *July* in such Year, nor unless such Person, where such Premises are situate in any Parish or Township in which there shall be a Rate for the Relief of the Poor, shall have been rated in respect of such Premises to all Rates for the Relief of the Poor in such Parish or Township made during the Time of such his Occupation so required as aforesaid, nor unless such Person shall have paid on or before the Twentieth Day of *July* in such Year all the Poor's Rates and Assessed Taxes which shall have become payable from him in respect of such Premises previously to the Sixth Day of *April* then next preceding: And whereas Doubts have arisen how far any Misnomer or inaccurate or insufficient Description in a Rate of the Person occupying any such Premises as in the said recited Act are mentioned, or any inaccurate Description of the Premises so occupied, has the Effect of preventing any such Person from being registered and entitled to vote in respect of such Premises in any Year; be it therefore declared and enacted, That where any Person shall have occupied such Premises as in the said recited Act are mentioned for Twelve Calendar Months next previous to the last Day of *July* in any Year, and such Person being the Person liable to be rated for such Premises shall have been *bonâ fide* called upon to pay in respect of such Premises all Rates made for the Relief of the Poor in such Parish or Township during the Time of such his Occupation so required as aforesaid, and such Person shall have *bonâ fide* paid, on or before the Twentieth Day of *July* in such Year, all Sums of Money which he shall have been called upon to pay as Rates in respect of such Premises for One Year previously to the Sixth Day of *April* then next preceding, such Person shall be considered as having been rated and paid all Rates in respect of such Premises within the Meaning of the said recited Act, and be entitled to be registered in respect of the same in any Year, any Misnomer or inaccurate or insufficient

Right of Voting in Boroughs by Occupiers of Houses, &c. of the annual Value of 10*l.*

Not to vote unless rated to the Poor Rate.

Inaccurate Description in Rate not to prevent Persons being registered.

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sufficient Description in any Rate of the Person so occupying or of the Premises occupied notwithstanding.

How Distances to be measured.

LXXVI. And whereas Doubts have arisen as to the Measurement of the Distance of Seven Statute Miles in the said first-recited Act mentioned and therein prescribed, as to the Residence of Voters for any City or Borough; be it therefore declared and enacted, That the said Distance shall be understood to be the Distance of Seven Miles as measured in a straight Line on the horizontal Plane from the Point within any City or Borough or Place sharing in the Election therewith from which such Distance is to be measured, according to the Directions in that Behalf in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any City or Borough, and of the Country surrounding the same, drawn or published under the Authority and Direction of the principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

Freeholders in New Shoreham, Cricklade, &c., need not be assessed to Land Tax.

LXXVII. And whereas Doubts have arisen whether, in order to entitle any Person to vote for the Borough of *New Shoreham*, or of *Cricklade*, *Aylesbury*, or *East Retford* respectively, in respect of any Freehold Messuages, Lands, or Tenements therein situate, it is necessary that the same should be assessed to the Land Tax; be it therefore declared and enacted, That in order to entitle any Person to vote in any Election of Members to serve in Parliament in respect of any Freehold Messuages, Lands, or Tenements situate within the Borough of *New Shoreham*, *Cricklade*, *Aylesbury*, or *East Retford* respectively it shall not be necessary that the same shall be assessed to the Land Tax, any Statute to the contrary notwithstanding.

When certain Rights of Voting in Boroughs are retained.

LXXVIII. And whereas by the said first-recited Act it is enacted and provided, that every Person then having a Right to vote in the Election for any City or Borough in virtue of any other Qualification than as a Burgess or Freeman, or as a Freeman and Liveryman, or as a Freeholder or Burgage Tenant, as therein mentioned, shall retain such Right of Voting so long as he shall be qualified as an Elector, according to the Usages and Customs of such City or Borough, or any Law then in force, and that such Person shall be entitled to vote in the Election of a Member or Members to serve in Parliament for such City or Borough, if duly registered according to the Provisions in the said Act in that Behalf contained; and it is thereby further provided, nevertheless, that every such Person shall for ever cease to enjoy such Right of Voting for any such City or Borough as aforesaid if his Name shall have been omitted from the Register of such Voters under certain Circumstances therein and herein after specified: And whereas Doubts have arisen as to the Intent and Meaning of the Words the "Register of such Voters" in such last-mentioned Provision; be it therefore declared and enacted, That every such Person shall for ever cease to enjoy such Right of Voting in virtue of any other Qualification than as a Burgess or Freeman, or as a Freeman and Liveryman, or as a Freeholder or Burgage Tenant as aforesaid, if his Name shall for Two successive

cessive Years not have been inserted or appear in the Register of Voters for such City or Borough in respect of such other Qualification (notwithstanding the Name of such Person may appear in such Register for both or either of the same Two successive Years in respect of some Qualification of a different Nature), unless the Name of such Person in any such Year shall not have been inserted as aforesaid or have been omitted by reason or in consequence of his having received Parochial Relief within Twelve Calendar Months next previous to the last Day of *July* in the same Year, or by reason or in consequence of his Absence on the Naval and Military Service of Her Majesty.

Register to be conclusive Evidence of the Voter's retaining the same Qualification.

LXXIX. And be it enacted, That at every future Election for a Member or Members to serve in Parliament for any County, City, or Borough, the Register of Voters so made as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election: Provided always, that it shall not be lawful for any Person to vote at any Election for a Member or Members for any County where the Qualification annexed to the Name of such Person shall have appeared annexed to his Name in the preceding Register, and such Person, on the last Day of *July* in the Year in which such Register so in force was formed, shall have ceased to have such Qualification, or shall not have retained so much thereof as would have entitled him to have had his Name inserted in such Register: Provided also, that no Person shall be entitled to vote at any future Election for a Member or Members to serve in Parliament for any City or Borough, unless he shall, ever since the Thirty-first Day of *July* in the Year in which his Name was inserted in the Register of Voters then in force, have resided and at the Time of voting shall continue to reside within the City or Borough, or Place sharing in the Election for the City or Borough, in the Election for which he shall claim to be entitled to vote, or within the Distance thereof required by the said recited Act to entitle such Person to be registered in any Year.

Proviso.

In Cities and Boroughs, a continued Residence required to the Time of Polling.

Clause as to putting Questions at the Poll repealed.

LXXX. And whereas by the said first-recited Act it is enacted, that certain Questions might be put to every Voter at the Time of his tendering his Vote in any Election: And whereas it is expedient that all the Provisions contained in the said recited Act touching and concerning the said Questions, and administering and taking of any Oath at the Time of polling, should be repealed, and other Provisions be enacted in lieu thereof; be it therefore enacted, That the said Provisions shall be and the same are hereby repealed.

No Inquiry at Time of Election, except as to Identity of the Voter, and whether he has already voted.

LXXXI. And be it enacted, That in all Elections whatever of a Member or Members to serve in Parliament for any County, Riding, Parts or Division of a County, or for any City or Borough in *England* or *Wales*, or the Town of *Berwick-upon-Tweed*, no Inquiry shall be permitted at the Time of polling as to the Right of any Person to vote, except only as follows; (that is to say,) that the Returning

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Returning Officer or his respective Deputy shall, if required on behalf of any Candidate, put to any Voter at the Time of his tendering his Vote, and not afterwards, the following Questions, or either of them:

1. Are you the same Person whose Name appears as *A.B.* on the Register of Voters now in force for the County of [*or* for the Riding, Parts, *or* Division of the County of], *or* for the City [*or* Borough] of [*as the Case may be*]?
2. Have you already voted, either here or elsewhere, at this Election for the County of [*or* for the Riding, Parts, *or* Division of the County of], *or* for the City [*or* Borough] of [*as the Case may be*]?

And if any Person shall wilfully make a false Answer to either of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and shall and may be indicted and punished accordingly; and the Returning Officer or his Deputy, or a Commissioner or Commissioners to be for that Purpose by Law appointed, shall, if required on behalf of any Candidate at the Time aforesaid, administer an Oath to any Voter in the following Form:

Oath to be taken, if required.

'YOU do swear [*or* affirm, *as the Case may be*], That you are the same Person whose Name appears as *A. B.* on the Register of Voters now in force for the County of *or* for the Riding, Parts, *or* Division of the County of *or* for the City *or* Borough of [*as the Case may be*], and that you have not before voted, either here or elsewhere, at the present Election for the County of [*or* for the Riding, Parts, *or* Division of the County of] *or* for the City *or* Borough of [*as the Case may be*].
'So help you GOD.'

No other Oath to be taken.

LXXXII. And be it enacted, That, save as aforesaid, it shall not be lawful to require any Voter at any Election whatever of a Member or Members to serve in Parliament to take any Oath or Affirmation, either in Proof of his Freehold, or of his Residence, Age, or other Qualification or Right to vote, any Law or Statute, local or general, to the contrary notwithstanding; nor to reject any Vote tendered at such Election by any Person whose Name shall be upon the Register of Voters in force for the Time being, except by reason of its appearing to the Returning Officer or his Deputy, upon putting such Questions as aforesaid, or either of them, that the Person so claiming to vote is not the same Person whose Name appears on such Register as aforesaid, or that he had previously voted at the same Election, or except by reason of such Person refusing to answer the said Questions or either of them, or to take the said Oath, or make the said Affirmation, or to take or make the Oath or Affirmation against Bribery; and no Scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Vote given or tendered at any such Election; any Law, Statute, or Usage to the contrary notwithstanding.

No Scrutiny to be allowed.

LXXXIII. And

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Persons personating Voters to be guilty of a Misdemeanor.

LXXXIII. And be it enacted, That if at any Election of a Member or Members to serve in Parliament for any County, City, or Borough any Person shall knowingly personate and falsely assume to vote in the Name of any other Person whose Name appears on the Register of Voters then in force for any such County, City, or Borough, whether such other Person shall then be living or dead, or if the Name of the said other Person be the Name of a fictitious Person, every such Person shall be guilty of a Misdemeanor, and on being convicted thereof shall be punished by Imprisonment for a Term not exceeding Two Years, together with hard Labour.

Aiders and Abettors to be punished as Principals.

LXXXIV. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any such last-mentioned Misdemeanor, shall be liable to be indicted and punished as a principal Offender.

Agents may be appointed by Candidates to detect Personation at the Time of polling.

LXXXV. And for the more effectual Detection of the Personation of Voters at Elections, be it enacted, That it shall be lawful for any Candidate, at any Election of a Member or Members to serve in Parliament for any County, City, or Borough, previous to the Time fixed for taking the Poll at such Election, to nominate and appoint an Agent or Agents on his Behalf to attend at each or any of the Booths appointed for taking the Poll at such Election, for the Purpose of detecting Personation; and such Candidate shall give Notice in Writing to the Returning Officer, or his respective Deputy, of the Name and Address of the Person or Persons so appointed by him to act as Agents for such Purpose; and thereupon it shall be lawful for every such Agent to attend during the Time of polling at the Booth or Booths for which he shall have been so appointed.

Returning Officer may order Persons charged with Personation to be taken into Custody.

Vote not to be rejected if Questions answered in the Affirmative.

LXXXVI. And be it enacted, That if at the Time any Person tenders his Vote at such Election, or after he has voted, and before he leaves the Polling Booth, any such Agent so appointed as aforesaid shall declare to the Returning Officer, or his respective Deputy, presiding therein, that he verily believes, and undertakes to prove, that the said Person so voting is not in fact the Person in whose Name he assumes to vote, or to the like Effect, then and in every such Case it shall be lawful for the said Returning Officer, or his said Deputy, and he is hereby required, immediately after such Person shall have voted, by Word of Mouth to order any Constable or other Peace Officer to take the said Person so voting into his Custody, which said Order shall be a sufficient Warrant and Authority to the said Constable or Peace Officer for so doing: Provided always, that nothing herein contained shall be construed or taken to authorize any Returning Officer, or his Deputy, to reject the Vote of any Person who shall answer in the Affirmative the Questions authorized by this Act to be put to him at the Time of polling, and shall take the Oaths or make the Affirmations authorized and required of him; but the said Returning Officer, or his Deputy, shall cause the Words, "Protested against for Personation," to be placed against the Vote of the Person so charged with Personation when entered in the Poll Book.

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Persons charged with Personation to be taken before Two Justices.

Bail to be taken in certain Cases.

LXXXVII. And be it enacted, That every such Constable or Peace Officer shall take the Person so in his Custody, at the earliest convenient Time, before some Two Justices of the Peace acting in and for the County, City, or Borough within which the said Person shall have so voted as aforesaid: Provided always, that in case the Attendance of Two such Justices as aforesaid cannot be procured within the Space of Three Hours after the Close of the Poll on the same Day on which such Person shall have been so taken into Custody, it shall be lawful for the said Constable or Peace Officer, and he is hereby required, at the Request of such Person so in his Custody, to take him before any One Justice of the Peace acting as aforesaid, and such Justice is hereby authorized and required to liberate such Person on his entering into a Recognizance, with One sufficient Surety, conditioned to appear before any Two such Justices as aforesaid, at a Time and Place to be specified in such Recognizance, to answer the said Charge; and if no such Justice shall be found within Four Hours after the closing of the said Poll then such Person shall forthwith be discharged from Custody: Provided also, that if in consequence of the Absence of such Justices as aforesaid, or for any other Cause, the said Charge cannot be inquired into within the Time aforesaid, it shall be lawful nevertheless for any Two such Justices as aforesaid to inquire into the same on the next or on some other subsequent Day, and, if necessary, to issue their Warrant for the Apprehension of the Person so charged.

If Justices are satisfied that the Person charged has been guilty of Personation, they are to commit him for Trial.

LXXXVIII. And be it enacted, That if on the hearing of the said Charge the said Two Justices shall be satisfied, upon the Evidence on Oath of not less than Two credible Witnesses, that the said Person so brought before them has knowingly personated and falsely assumed to vote in the Name of some other Person within the Meaning of this Act, and is not in fact the Person in whose Name he voted, then it shall be lawful for the said Two Justices to commit the said Offender to the Gaol of the County, City, or Borough within which the Offence was committed, to take his Trial according to Law, and to bind over the Witnesses in their respective Recognizances to appear and give Evidence on such Trial as in the Case of other Misdemeanors.

If Justices are satisfied that the Charge is unfounded, they are to order Compensation.

LXXXIX. And be it enacted, That if the said Justices shall on the hearing of the said Charge be satisfied that the said Person so charged with Personation is really and in Truth the Person in whose Name he voted, and that the Charge of Personation has been made against him without reasonable or just Cause, or if the Agent so declaring as aforesaid, or some one on his Behalf, shall not appear to support such Charge before the said Justices, then it shall be lawful for the said Justices and they are hereby required to make an Order in Writing under their Hands, on the said Agent so declaring as aforesaid, to pay to the said Person so falsely charged, if he shall consent to accept the same, any Sum not exceeding the Sum of Ten Pounds nor less than Five Pounds, by way of Damages and Costs; and if the said Sum shall not be paid within Twenty-four Hours after such Order shall have been made, then the same shall be levied, by Warrant under the Hand and Seal of any Justice of the Peace acting as aforesaid, by Distress and Sale of the Goods and Chattels of

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of the said Agent; and in case no sufficient Goods or Chattels of the said Agent can be found on which such Levy can be made, then the same shall be levied in like Manner on the Goods and Chattels of the Candidate by whom such Agent was so appointed to act; and in case the said Sum shall not be paid or levied in the Manner aforesaid, then it shall be lawful for the said Person to whom the said Sum of Money was so ordered to be paid to recover the same from the said Agent or Candidate, with full Costs of Suit, in an Action of Debt to be brought in any One of Her Majesty's Superior Courts of Record at *Westminster:* Provided always, that if the Person so falsely charged shall have declared to the said Justices his Consent to accept such Sum as aforesaid by way of Damages and Costs, and if the whole Amount of the Sum so ordered to be paid shall have been paid or tendered to such Person, in every such Case, but not otherwise, the said Agent, Candidate, and every other Person shall be released from all Actions or other Proceedings, Civil or Criminal, for or in respect of the said Charge and Apprehension.

If Party falsely charged accepts Compensation, no Action to be brought.

XC. And be it enacted, That it shall and may be lawful for the High Sheriff of any County, and for the Mayor or Returning Officer of any City or Borough, and he and they are hereby required, for the Purposes aforesaid, to provide a sufficient Attendance of Constables or Peace Officers in each Booth at the different Polling Places within their respective Counties, Cities, or Boroughs.

Sheriffs and Returning Officers to provide Constables.

XCI. And be it enacted, That in case the Vote of any Person shall have been received, and any other Person shall afterwards tender his Vote as being registered in respect of the same Qualification, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, the Returning Officer, or his Deputy, shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election; provided such Person shall duly answer the Questions herein-before authorized to be put to any Voter at the Time of tendering his Vote.

Duty of Returning Officer where Vote has been received, and another Party tenders in respect of same Qualification.

XCII. And be it enacted, That in the City of *London* the Returning Officer or Officers shall take the Poll or Votes of such Freemen of the said City, being Liverymen of the several Companies, as are entitled to vote at such Election, in the Guildhall of the said City, and shall not be required to provide for them any Booth or Compartment, but shall take One Poll for the whole Number of such Liverymen at the same Place.

Liverymen of London to poll in the Guildhall.

XCIII. And whereas it is enacted by the said first-recited Act, that at every contested Election for any County, Riding, or Division of a County, City, or Borough in *England*, except the Borough of *Monmouth*, the Sheriff, Under Sheriff, or Returning Officer should, on the Day therein mentioned, after the Close of the Poll, openly break the Seals on the several Poll Books, and cast up the Number of Votes as they appear on the said several Books, and openly declare the State of the Poll, and make Proclamation of the Member or Members chosen, not later than the Time therein mentioned: And whereas no adequate Provision has been made for the safe Custody and Production

For providing for the safe Custody of Poll Books.

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Production of the said Poll Books subsequent to such Declaration of the Poll and Proclamation of the Members chosen at any contested Election, in consequence whereof great Mischief and Expence have arisen in Cases of disputed Returns of Members to serve in Parliament; be it therefore enacted, That at every contested Election of a Member or Members to serve in Parliament for any County, Riding, Parts, or Division of a County, or for any City or Borough in *England* or *Wales*, or for the Town of *Berwick-upon-Tweed*, the Sheriff, Under Sheriff, or Returning Officer, after having declared the State of the Poll, and made Proclamation of the Member or Members chosen to serve in Parliament in the Manner provided for by the said herein-before in part recited Act, shall forthwith enclose and seal up the several Poll Books, and tender the same to each of the Candidates, to be sealed by them respectively; and in case any Candidates shall neglect or refuse to seal the same, the Sheriff, Under Sheriff, or Returning Officer shall thereupon indorse on One of the said Poll Books the Fact of such Neglect or Refusal; and every such Sheriff, Under Sheriff, or other Returning Officer shall, by himself or his Agent, as soon as possible after such Proclamation as aforesaid, deliver the same Poll Books, so sealed as aforesaid, to the Clerk of the Crown in the High Court of Chancery, or his Deputy, or deliver the same, directed to the said Clerk of the Crown, to the Postmaster or Deputy Postmaster of the City, Town, or Place wherein such Proclamation shall have been made as aforesaid, who on Receipt thereof shall give an Acknowledgment in Writing of such Receipt to such Sheriff, Under Sheriff, or Returning Officer, expressing therein the Time of such Delivery, and shall keep a Duplicate of such Acknowledgment, signed by such Sheriff, Under Sheriff, or Returning Officer; and the said Postmaster or Deputy Postmaster shall despatch all such Poll Books, so sealed and directed as aforesaid, by the first Post or Mail after the Receipt thereof, to the General Post Office in *London*; and the Postmaster or Postmasters General are hereby directed, immediately on Receipt of such Poll Books, to convey the same to the Crown Office, and to deliver the same there, so sealed as aforesaid, to the said Clerk of the Crown or his Deputy; and the said Clerk of the Crown or his Deputy is hereby required to give to such Postmaster or Postmasters General, Sheriff, Under Sheriff, Returning Officer, or Agent delivering the same, a Memorandum in Writing, acknowledging the Receipt of such Poll Books, and setting forth the Day and Hour when the same were delivered at the Crown Office; and the said Clerk of the Crown or his Deputy is hereby required, immediately on Receipt of such Poll Books, to register the same in the Books of the said Crown Office, and to indorse thereon the Day and Hour upon which he received the same; and every such Sheriff, Under Sheriff, or Returning Officer is hereby required, at the Time of transmitting such Poll Books as aforesaid through the Post Office, to address and forward a Letter by the same Post or Mail to the said Clerk of the Crown, informing him of such Transmission, and giving the Number and Description of such Poll Books so transmitted.

Office Copies of Poll Books to be re-

XCIV. And be it enacted, That Office Copies, issued by the said Clerk of the Crown or his Deputy, of such Poll Books, shall be taken

taken in Evidence in all Courts of Law, in Actions for Bribery or Personation, or for any other Purpose whatsoever. ceived in Evidence in Courts.

XCV. And be it enacted, That the said Clerk of the Crown shall keep and preserve the said several Poll Books, and shall deliver to any Party applying for the same an Office Copy of all or any Part of such Poll Books, on Payment of a reasonable Charge for writing the same, and shall also permit any Party to inspect such Poll Books. Clerk of the Crown to preserve Poll Books, and deliver OfficeCopies, if required;

XCVI. And be it enacted, That the said Clerk of the Crown shall, upon receiving a Warrant, signed by the Chairman of any Committee of the House of Commons appointed for the Trial of controverted Elections, produce, by himself or his Agent, before such Committee, the said several Books so deposited with him as aforesaid, and such Production shall be sufficient *primâ facie* Proof of the Authenticity of the said Poll Books. and to produce them before Election Committee, if required.

XCVII. And be it enacted, That every Sheriff, Under Sheriff, Clerk of the Peace, Town Clerk, Secondary, Returning Officer, Clerk of the Crown, Postmaster, Overseer, or other Person, or public Officer, required by this Act to do any Matter or Thing, shall for every wilful Misfeasance, or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Costs of Suit, by Action for Debt in any of Her Majesty's Superior Courts at *Westminster:* Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer according to any Law now in force. Parties wilfully contravening the Act liable to an Action for Debt.

XCVIII. And whereas in and by the said first-recited Act it is provided that upon Petition to the House of Commons, complaining of an undue Election or Return of any Member or Members to serve in Parliament, any Petitioner, or any Person defending such Election or Return, shall be at liberty to impeach the Correctness of the Register of Voters in force at the Time of such Election, by proving that in consequence of the Decision of the Barrister who shall have revised the Lists of Voters from which such Register shall have been formed the Name of any Person who voted at such Election was improperly inserted or retained in such Register, or the Name of any Person who tendered his Vote at such Election improperly omitted from such Register, and the Select Committee appointed for the Trial of such Petition shall alter the Poll taken at such Election according to the Truth of the Case, and shall report their Determination thereupon to the House, and the House shall thereupon carry such Determination into effect, and the Return shall be amended or the Election declared void, as the Case may be, and the Register corrected accordingly, or such other Order shall be made as to the House shall seem proper: And whereas Doubts have arisen as to the true Intent and Meaning of the said Enactment with respect to the Power and Authority of any such Committee to inquire into the Validity or Invalidity of the Vote of any Person being on the Power to Committees on Election Petitions to decide as to Right of Voting.

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Register of Voters in force at the Time of such Election; be it therefore declared and enacted, That it shall and may be lawful for any such Committee to inquire into and decide upon the Right to vote of any Person who, being upon the Register of Voters in force at the Time of such Election, shall have voted in such Election, or not being upon such Register shall have tendered his Vote at such Election, in case the Name of such Person shall have been specially retained upon such Register, or inserted therein, or expunged or omitted therefrom, by the express Decision of the Revising Barrister who shall have revised the Lists of Voters from which such Register shall have been formed; and also that it shall and may be lawful for such Committee to inquire into and decide upon the Right to vote of any Person who, being upon such Register, shall have voted in such Election, so far as the same may be disputed on the Ground of legal Incapacity at the Time of his voting under and by virtue of any Statute now or hereafter to be in force, or on the Ground of any other legal Incapacity at the Time of his voting which may have arisen subsequently to the Expiration of the Time allowed for making out the List of Voters from which the Register of Voters in force at the Time of such Election shall have been formed; but that, except in such Cases or on such Grounds as aforesaid, the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive to all Intents and Purposes as to the Right to vote in such Election of every Person who shall be upon such Register.

Where no Returning Officer in Cities or Boroughs, Sheriff may act as Returning Officer.

XCIX. And whereas it may happen that on the Receipt of any Writ by any Sheriff or Sheriffs for an Election of a Member or Members to serve in Parliament for any City or Borough the Situation of Returning Officer may be vacant; be it enacted, That in such Case it shall be lawful for the Sheriff or Sheriffs whose Business it may be to direct the Precept for the Return of a Member or Members to serve in Parliament for any such City or Borough, by himself or themselves, or by his or their Deputy, to act as Returning Officer for such City or Borough.

Notice of Objection may be sent by the Post.

C. And be it enacted, That it shall be sufficient, in every Case of Notice to any Person objected to in any List of County, City, or Borough Voters, and in the Livery List of the City of *London*, and also in the Case of County Voters to the occupying Tenant whose Name and Place of Abode appears in such respective List as aforesaid, if the Notice so required to be given as aforesaid shall be sent by the Post, free of Postage, or the Sum chargeable as Postage for the same being first paid, directed to the Person to whom the same shall be sent, at his Place of Abode as described in the said List of Voters; and whenever any Person shall be desirous of sending any such Notice of Objection by the Post, he shall deliver the same, duly directed, open and in duplicate, to the Postmaster of any Post Office where Money Orders are received or paid, within such Hours as shall have been previously given Notice of at such Post Office, and under such Regulations with respect to the Registration of such Letters, and the Fee to be paid for such Registration (which Fee shall in no Case exceed Two-pence over and above the ordinary Rate of Postage), as shall from Time to Time be made by the Postmaster General in that

Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the said Notice and the Duplicate, and, on being satisfied that they are alike in their Address and in their Contents, shall forward one of them to its Address by the Post, and shall return the other to the Party bringing the same, duly stamped with the Stamp of the said Post Office; and the Production by the Party who posted such Notice of such stamped Duplicate shall be Evidence of the Notice having been given to the Person at the Place mentioned in such Duplicate on the Day on which such Notice would in the ordinary Course of Post have been delivered to such Place: Provided also, that if no Place of Abode of the Person objected to shall be described in the said List, or if such Place of Abode shall be situate out of the United Kingdom, then it shall be sufficient if Notice shall be given to the said Overseers, and to such occupying Tenant as aforesaid (if any) in the Case of a County Voter, or, in the Case of a City or Borough Voter, to the Overseers or to the Town Clerk, or, in the Case of a Liveryman of the City of *London*, to the Secondaries and Clerk of the particular Company to which the Person objected to shall belong, as is in each of the said Cases herein-before required.

Interpretation Clause.

CI. And be it enacted, That throughout this Act, in the Construction thereof, except there be something in the Subject or Context inconsistent with or repugnant to such Construction, the Word "County" shall extend to and mean any County, Riding, Parts or Division of a County, respectively returning a Knight or Knights of the Shire to serve in Parliament; and the Words "City or Borough" shall extend to and mean any City, Borough, Town Corporate, Cinque Port, District, or Place within *England* and *Wales* returning a Member or Members to serve in Parliament, other than Counties at large, and Ridings, Parts, and Divisions of Counties at large, and to every Place sharing in the Election of a Member for any City or Borough, and shall also include the Town of *Berwick-upon-Tweed*; that the Words "Clerk of the Peace" shall comprehend and apply to any Deputy or other Person executing the Duties of such Clerk of the Peace; and the Words "Town Clerk" shall, except in regard to the Cities of *London* and *Westminster* and the Borough of *Southwark*, extend to and mean any Person executing the Duties of Town Clerk, or if in any City or Borough there shall be no such Officer as Town Clerk, then to any Officer executing the same or like Duties as usually devolve upon the Town Clerk, or if in any City or Borough there be no such Person, then to the Returning Officer of such City or Borough, or to such Person as the Returning Officer may appoint for that Purpose, which he is hereby authorized to do; and the Words "Barrister" or "Barristers" shall respectively be taken to include a Serjeant or Serjeants-at-Law; and the Words "Returning Officer" shall apply to every Person or Persons to whom by virtue of his or their Office, under any Law, Custom, or Statute, the Execution of any Writ or Precept doth or shall belong for the Election of a Member or Members to serve in Parliament by whatever Name or Title such Person or Persons may be called; and the Words "Parish or Township" shall extend to and mean every Parish, Township, Village, Hamlet, District, or Place maintaining its own Poor; and the Words "Overseers" or "Overseers

Meaning of the Word "County:"

"City or Borough:"

"Clerk of the Peace:"

"Town Clerk:"

"Barrister:"

"Returning Officer:"

"Parish or Township:"

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"Overseers" or "Overseers of the Poor."

Provision as to Service of Notices.

Justices, Sessions, Clerks of the Peace, and Treasurers of Counties.

Misnomer not to vitiate.

"Oath."

Singular.

Plural.

"Overseers of the Poor" shall extend to and mean all Persons who by virtue of any Office or Appointment shall execute the Duties of Overseers of the Poor, by whatever Name or Title such Persons may be called, and in whatsoever Manner they may be appointed, and that all Matters by this Act directed to be done by the Overseers of a Parish or Township may be lawfully done by the major Part of such Overseers; and that wherever any Notice is by this Act required to be given or sent to the Overseers of any Parish or Township, it shall be sufficient if such Notice shall be delivered to any One of such Overseers, or shall be left at his Place of Abode, or at his Office or other Place for transacting parochial Business, or shall be sent by the Post free of Postage, or the Postage thereof being first paid, addressed to the Overseers of the particular Parish or Township, naming the Parish or Township, and the County, City, or Borough respectively, to which the Notice to be so sent may relate, without adding any Place of Abode of such Overseers; and that wherever by this Act any Notice is required to be given or sent to any Person or Persons whatsoever, or public Officer, it shall be sufficient if such Notice be sent by the Post in the Manner and subject to the Regulations herein-before provided with respect to sending Notices of Objection by the Post, free of Postage, or the Postage thereof being first paid, addressed with a sufficient Direction to the Person or Persons to whom the same ought to be given or sent, at his or their usual Place of Abode; and that all Provisions in this Act relative to any Matters to be done by or with regard to Justices of the Peace for Counties, or Sessions of the Peace for Counties, or Clerks of the Peace for Counties, or Treasurers of Counties, shall extend to the Justices, Sessions, Clerks of the Peace, and Treasurers of the several Ridings of *Yorkshire* and Parts of *Lincolnshire*; and that the Town Clerk for the Time being for the Borough of *Newport* in the *Isle of Wight* shall for the Purposes of this Act be deemed and taken to be the Clerk of the Peace for the County of the *Isle of Wight*; and that all the said respective Justices, Sessions, and Clerks of the Peace shall have Power to do the several Matters required by this Act, as well within Places of exclusive Jurisdiction as without; and that no Misnomer or inaccurate Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in anywise prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing, provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice as to be commonly understood; and that the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in place of an Oath; and where the Subject or Context requires it, every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things.

Act may be amended this Session.

CII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORMS FOR COUNTIES.

No. 1.

Schedule (A.)

PRECEPT of the CLERK of the PEACE to the OVERSEERS.

County of } To the Overseers of the Poor of the Parish of
to wit. } [*or* of the Township of

IN pursuance of the Provisions of the Act of Parliament of Victoria, c ., I require your Attention to the following

INSTRUCTIONS:—

On or before the Twentieth Day of June you are to publish a Notice, signed by you, according to the Form marked No. 2., among the printed Forms herewith sent.

The Manner in which you are required to publish that Notice is as follows; (that is to say,) you are to fix One of the printed Copies (each Copy being first signed by you) on or near the Outside of the outer Door or of the outer Wall near the Door of every Church and public Chapel in your Parish or Township, including Chapels which do not belong to the Established Church, or if there should be no such Church or Chapel, then in some public or conspicuous Situation in your Parish [*or* Township], and it must remain there during a Period including Two Sundays at least.

On or before the last Day of July you are to make out an alphabetical List of all Persons who, on or before the Twentieth Day of July, shall have delivered or sent to you their Claims as Voters for the County [Riding, *&c.*] in which your Parish [*or* Township] lies, in respect of any Property situate wholly or in part within your Parish [*or* Township]; and in making out such List you are to write or cause to be written, in the proper Column of the printed Form of List (herewith sent) numbered 3., the Christian Name and Surname of every such Person, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, and the Name of the Occupier, accordingly as the same shall be stated in the Claim. If you have reasonable Cause to believe that any Person so claiming, or any Person whose Name shall appear in the Copy of the Register for your Parish [*or* Township] herewith sent, is not entitled to have his Name on the new Register about to be made, you are to add the Word "Objected" before his Name in the Margin of the Copy of the Register or List in which his Name appears; and you are also to add the Word "Dead" before the Name of any Person whom you shall have reasonable

Schedule (A.) continued.

Cause to believe to be dead. Having done this, you are to sign the List of Claimants, and also the Copy of the Register herewith sent, and to cause a sufficient Number of Copies of such Register and Lists with your marginal Additions to be written or printed, and then, on or before the First Day of August, you are to publish the said Lists on every Church and Chapel in your Parish [*or* Township] in the same Manner as before mentioned with regard to the Notice.

You are to keep a Copy of the List of Claimants and of the said Register sent to you, with your marginal Additions thereon, signed by you, and to allow them to be perused by every Person desirous of perusing them, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after you have published them, without Payment or Demand of any Fee; and you are also to deliver Copies of the List of Claimants and of the said Register, signed by you, to every Person applying for the same, on Payment of a Price for such Copy after the Rate contained in the Table marked Schedule (D.) No. 1., herewith sent.

You are to make out a List, according to the Form numbered 6. (herewith sent), containing the Name of every Person against whom a Notice of Objection shall have been given to you or any one of you, on or before the Twenty-fifth Day of August; and you are to publish Copies of such Lists on or before the First Day of September on every Church and Chapel in your Parish or Township, in the same Manner as before mentioned with regard to the Notice; and you are to keep a Copy of such List of Persons objected to, to be perused by any Person, without Payment or Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days of September, both inclusive; and you are to deliver a Copy of such List to any Person requiring the same, on Payment of a Price for such Copy after the Rate contained in the Table marked Schedule (D.) No. 1., herewith sent.

And if you shall find any such Notice, List, Register, or other Document published by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same Effect in its Place.

On or before the Twenty-ninth Day of August you are to deliver to the Clerk of the Peace of the County [Riding, &c.] wherein your Parish [*or* Township] is situate, the List of Claimants, the Copy of the Part of the Register (herewith sent), and also a Copy of the List of Persons objected to, signed by you.

You are to attend the Court to be holden by the Barrister appointed to revise the Lists relating to your Parish [*or* Township], of the Time and Place of holding which Notice will be sent to you; and you are there to deliver to the Barrister holding such Court the original Notices of Claim and original Notices of Objection given to you as aforesaid.

Herein if you fail you will be liable to the Penalties in that Case provided.
Given under my Hand, this Day of

Clerk of the Peace for the County of

No. 2.

Schedule (A.) continued

No. 2.

NOTICE to be given by the OVERSEERS.

WE hereby give Notice, That all Persons entitled to vote in the Election of a Knight or Knights of the Shire for the County [*or* for the Riding, *&c.*] of in respect of any Property situate wholly or in part within this Parish [*or* Township], who are not upon the Register of Voters now in force, or who, being upon the Register, shall not retain the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register of Voters about to be made for the said County [*or* Riding, *&c.*], are hereby required to give or send to us or any of us, on or before the Twentieth Day of July in this Year, a Notice in Writing by them signed, in which their Name and Surname at full Length, their Place of Abode, and the Particulars of their Qualification, must be legibly written, according to the Form hereunder set forth. Any Person who is upon the present Register may also make his Claim, if he thinks fit; but it is not necessary that he should do so if he has the same Qualification and Place of Abode now described in the Register.

Dated this Day of June in the Year

(Signed) *A. B.*, *C. D.*, *E. F.* } Overseers of the Parish [*or* Township] of

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FORM of NOTICE of CLAIM to be given to OVERSEERS.

To the Overseers of the Parish of [*or* Township of].

I HEREBY give you Notice, That I claim to be inserted in the List of Voters for the County of [*or* for the Riding, Parts, *or* Division of the County of , *as the Case may be*], and that the Particulars of my Place of Abode and Qualification are stated in the Columns below.

Dated the Day of in the Year

(Signed) *G. H.*

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [*or* Township], and Number of House (if any), where the Property is situate, or Name of the Property, if known by any, or Name of the occupying Tenant; or if the Qualification consist of a Rent charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

Schedule (A.) continued.

No. 3.

County of Riding, Parts, *or* Division of the County of *the Case may be.*] to wit, [*or* , *as* THE LIST of PERSONS claiming to be entitled to vote in the Election of a Knight [*or* Knights] of the Shire for the County of [*or* for the Riding, Parts, *or* Division of the County of , *as the Case may be*], in respect of Property situate in whole or in part within the Parish of [*or* Township, *as the Case may be*].

Margin for entering Overseers Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [*or* Township], and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant; or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) *A. B.*, *C. D.*, *E. F.* } Overseers of the said Parish [*or* Township].

No. 4.

NOTICE of OBJECTION to be given to the OVERSEERS.

To the Overseers of the Parish [*or* Township, *as the Case may be*,] of .

I HEREBY give you Notice, That I object to the Name of the Person mentioned and described below being retained in the List of Voters for the County [*or* for the Riding, Parts, *or* Division of the County] of .

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described.	Nature of Qualification as described.	Street, Lane, or other like Place where the qualifying Property is situate, &c. as described in the List or Register.

Dated the Day of in the Year .

(Signed) *A. B.*
[*Place of Abode.*]

No. 5.

Schedule (A.) continued

No. 5.

NOTICE of OBJECTION to be given to Parties objected to by any Person other than OVERSEERS, and to the occupying Tenant of the qualifying Property.

To Mr. of [*Here insert the Name and Place of Abode of the Person objected to as described in the List; and in the Case of Notice to the Tenant of the qualifying Property insert his Name and Place of Abode as described in the List.*]

TAKE notice, That I object to your Name [*in the Notice to the Tenant, instead of the Words* "your Name," *insert the Name of the Person objected to*] being retained in the [*here insert the Name of the Parish*] List of Voters for the County of [*or* for the Riding, *&c.*]

Dated this Day of One thousand eight hundred and .

(Signed) *A. B.* of [*Place of Abode*], on the Register of Voters for the Parish of .

No. 6.

LIST of PERSONS objected to, to be published by the OVERSEERS.

THE following Persons have been objected to as not being entitled to have their Names retained in the List of Voters for the County of [*or* for the Riding, Parts, *or* Division of the County of].

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other like Place in this Parish [*or* Township], and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant; or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) *A. B.*, *C. D.*, *E. F.* } Overseers of the Parish of [*or* Township, *as the Case may be*].

SCHEDULE (B.)

FORMS FOR CITIES AND BOROUGHS.

Schedule (B.)

No. 1.

PRECEPT of the TOWN CLERK to the OVERSEERS.

City [*or* Borough] of in the County of *or* Riding, &c. to wit. } To the Overseers of the Poor of the Parish of [*or* to the Overseers of the Poor of the Township of].

IN pursuance of the Provisions of the Act of Parliament of the Vict. c. ., I require your Attention to the following

INSTRUCTIONS:—

On or before the Twentieth Day of June you are to publish a Notice, signed by you, according to the Form marked No. 2. among the printed Forms herewith sent.

The Manner in which you are required to publish that Notice is as follows; (that is to say,) you are to fix one of the printed Copies (each Copy being first signed by you) on or near the Outside of the outer Door or of the outer Wall near the Door of every Church and public Chapel in your Parish [*or* Township], including Chapels which do not belong to the Established Church, or if there should be no such Church or Chapel, then in some public and conspicuous Situation in your Parish [*or* Township], and it must remain there during a Period including Two Sundays at least.

On or before the last Day of July you are to make out an alphabetical List of all Persons who may be entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for this City [*or* Borough], in respect of the Occupation of Premises of the clear yearly Value of Ten Pounds, situate wholly or in part within your Parish [*or* Township], and another alphabetical List of all other Persons (except Freemen) who may be entitled to vote in the Election for this City [*or* Borough] by virtue of any other Right whatsoever; and in making out each of the said Lists you must write or cause to be written the Christian Name and Surname of every such Person at full Length, together with the Place of his Abode and the Nature of his Qualification; and when the Qualification of any Person shall be in respect of any Property, you must state the Name of the Street, Lane, and Number of the House, if any, or other Description of the Place where such Property may be situate.

And on or before the First Day of August you are to publish written or printed Copies of the said Lists, signed by you, on every Church or Chapel in your Parish [*or* Township], in the same Manner as before mentioned with regard to the Notice.

You

Schedule (B.) continued.

You are to keep also a Copy of such Lists, signed by you, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after the said Lists shall have been published.

You are to make out a List, according to the Form numbered 8., containing the Name of every Person who shall have given or have caused to be given to you or any one of you, on or before the Twenty-fifth Day of August, his Claim to have his Name inserted in any List of your Parish [*or* Township], and also another List, according to the Form numbered 12., containing the Name of every Person against whom a Notice of Objection shall have been given to you or any one of you, on or before the Twenty-fifth Day of August, as not being entitled to have his Name retained in any List for your City [*or* Borough]; and on or before the First Day of September you are to sign and publish each of such Lists on every Church or Chapel in your Parish [*or* Township], in the same Manner as before mentioned with regard to the Notice.

You are to keep a Copy of these Lists, signed by you, and you are to allow the same, and also the Notices of Objection, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days of September, both inclusive; and you are to deliver a Copy of each of such Lists to any Person requiring the same, on the Payment of a Price for each Copy after the Rate contained in the Table marked Schedule (D.) No. 1., herewith sent.

If you shall find any such Notice, List, Register, or other Document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its Room to the same Effect.

On or before the Twenty-ninth Day of August you are to deliver to me a Copy of the List of Voters, a Copy of the List of Claimants, and a Copy of the List of Persons objected to, so respectively made out and signed by you as aforesaid.

You are to attend the Court to be holden for the Revision of the List of Voters for your City [*or* Borough], of the Time of holding which Notice will be given; and at the opening of such Court you are there to deliver to the Barrister before whom the same shall be holden the several Lists made out by you, and signed by you, and the original Notices of Objection and the original Notice of Claims given to you.

Herein if you fail you will be liable to the Penalties in that Case provided.

Given under my Hand, this Day of One thousand eight hundred

(Signed) *A. B.*
Town Clerk for the said Borough.

No. 2.

Schedule (B.) continued

No. 2.

NOTICE to be given by the OVERSEERS.

City [*or* Borough] of in the County of to wit. } WE hereby give Notice, That no Person will be entitled to have his Name inserted in any List of Voters for this City [*or* Borough], now about to be made, in respect of the Occupation of Premises of the clear yearly Value of Ten Pounds, whether situate wholly or in part within this Parish [*or* Township], unless he shall pay, on or before the Twentieth Day of July, all the Poor's Rates and Assessed Taxes which have become due from him in respect of such Premises during the Twelve Calendar Months next before the Sixth Day of April last past; and all Persons who omit to make such Payments will be incapable of being upon the next Register of Voters for this City or Borough.

Dated this Day of June in the Year One thousand eight hundred

(Signed) *A.B.*, *C.D.*, *E.F.* } Overseers of the Parish [*or* Township] of

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No. 3.

THE LIST of PERSONS entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of in respect of Property occupied within the Parish [*or* Township] of by virtue of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People in England and Wales."

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [*or* Township], and Number of House (if any), where the Property is situated.

(Signed) *A.B.*, *C.D.*, *E.F.* } Overseers of the Parish [*or* Township] of

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No. 4.

Schedule (B.) continued.

No. 4.

THE LIST of all PERSONS (not being Freemen) entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of in respect of any Rights other than those conferred by an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People in England and Wales."

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in this Parish where the Property is situate, and Number of the House (if any). [*When the Right of Voting depends on Property.*]

(Signed) *A. B.*, *C. D.*, *E. F.* { Overseers of the Parish of [*or* Township] within the City [*or* Borough] of .

No. 5.

LIST of FREEMEN to be published by the TOWN CLERK.

THE List of Freemen of the City [*or* Borough] of [*or* of], being a Place sharing in the Election with the City [*or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Borough].

Christian Name and Surname of each Freeman at full Length.	Place of his Abode.

Schedule (B.) continued.

No. 6.

NOTICE of CLAIM.

To the Overseers of the Parish [*or* Township] of .

I HEREBY give you Notice, That I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of and that the Particulars of my Qualification and Place of Abode are stated in the Columns below.

Dated the Day of One thousand eight hundred

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in the Parish [*or* Township] where the Property is situate, and Number of the House (if any). [*When the Right depends on Property.*]

(Signed) *J. D.*

No. 7.

NOTICE of CLAIM by FREEMEN to be given to the TOWN CLERK.

To the Town Clerk of the City [*or* Borough] of .

I HEREBY give you Notice, That I claim to have my Name inserted in the List made by you of Persons entitled as Freemen to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Borough] of and that my Qualification is as Freeman of and that I reside in Street, in this City [*or* Borough, *or, as the Case may be*]. Dated this Day of One thousand eight hundred and .

(Signed) *J. D.*

Schedule (B.) continued.

No. 8.

LIST of CLAIMANTS to be published by the OVERSEERS.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of .

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in this Parish where the Property is situate, and Number of the House (if any). [*When the Right depends on Property.*]

(Signed) *A. B.*, *C. D.*, *E. F.* } Overseers of, *&c.*

No 9.

LIST of CLAIMANTS to be published by the TOWN CLERK.

THE following Persons claim to have their Names inserted in the List of the Freemen of the City [*or* Borough] of [*or* of], being a Place sharing in the Election with the City [*or* Borough] of , entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Borough].

Christian Name and Surname of each Person, as in the Claim.	Place of his Abode.

No. 10.

Schedule (B.) continued

No. 10.

NOTICE of OBJECTION.

To the Overseers of the Parish [*or* Township] of [*or* to the Town Clerk of the City [*or* Borough] of [*or otherwise, as the Case may be*].

I HEREBY give you Notice, That I object to the Name of being retained in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of . Dated this Day of .

(Signed) *A. B.* of [*Place of Abode*], on the List of Voters for the Parish of .

Note.—If more than One List of Voters, the Notice of Objection should specify the List to which the Objection refers; and if the List contains Two or more Persons of the same Name, the Notice should distinguish the Person intended to be objected to.

No. 11.

FORM of NOTICE of OBJECTION to be given to PARTIES objected to.

To Mr. .

I HEREBY give you Notice, That I object to your Name being retained on the List of Persons entitled to vote in the Election of Members [*or* a Member] for the City [*or* Borough] of . Dated this Day of .

(Signed) *A. B.* of [*Place of Abode*], on the List of Voters for the Parish of .

No. 12.

LIST of PERSONS objected to, to be published by the OVERSEERS.

THE following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place in the Parish where the Property is situate, and Number of the House (if any). [*When the Right depends on Property.*]

(Signed) *A. B.*, *C. D.*, *E. F.* } Overseers of, *&c.*

Schedule (B.) continued.

No. 13.

THE LIST of PERSONS objected to, to be published by the TOWN CLERKS.

THE following Persons have been objected to as not being entitled to have their Names retained on the List of the Freemen of the City [*or* Borough] of [*or* of being a Place sharing in the Election with the City [*or* Borough] of], entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Borough].

Christian and Surname of each Person objected to.	Place of his Abode.

(Signed) *A.B.* { Town Clerk of the said City [*or* Borough *or* Place].

SCHEDULE (C.)

Schedule (C.)

FORMS FOR THE CITY OF LONDON.

No. 1.

A LIST of such of the Freemen of London as are Liverymen of the Company of entitled to vote in the Election of Members for the City of London.

Christian Name and Surname of the Voter at full Length.	Street, Lane, or other Description of his Place of Abode.

(Signed) *A. B.* Clerk.

Schedule (C.) continued.

No. 2.

NOTICE of CLAIM to be given to the SECONDARIES of the City of London, and to the CLERKS of the respective Livery Companies.

To the Secondaries of the City of London [*or* to the Clerk of the Company of].

I HEREBY give you Notice, That I claim to have my Name inserted in the List made by the Clerk of the Company of [*or, in case of Notice to the Clerk, say,* made by you] of the Liverymen of the said Company, [*or, in case of Notice to the Clerk, say,* of the Liverymen of the Company of] entitled to vote in the Election of Members for the City of London.

Dated the Day of

(Signed) *A. B.* { [*Place of Abode.*
Name of Company.]

No. 3.

LIST of CLAIMANTS to be published by the SECONDARIES of the City of London.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the City of London.

Christian Name and Surname of Claimants, as in the Claim.	Place of Abode.	Name of the Company.

Dated the Day of

(Signed) *A. B.*, *C. D.* } Secondaries of the City of London.

No. 4.

No. 4.

NOTICE of OBJECTION to PARTIES inserted in the List of the Livery.

To Mr.

I HEREBY give you Notice, That I object to your Name being retained in the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the Company of in the Election of Members for the said City.

Dated the Day of

(Signed) *A. B.* of [*Place of Abode*], on the List of Voters of .

No. 5.

NOTICE of OBJECTION to be given to the SECONDARIES of the City of London, and to the CLERKS of the respective Livery Companies.

To the Secondaries of the City of London [*or* to the Clerk of the Company of].

I HEREBY give you Notice, That I object to the Name of being retained in the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the Company of in the Election of Members for the said City. Dated this Day of

(Signed) *A. B.* of [*Place of Abode*], on the List of Voters of .

Note.—If the List contains Two or more Persons of the same Name, the Notice should distinguish the Person intended to be objected to.

No. 6.

THE LIST of PERSONS objected to, to be published by the SECONDARIES of the City of London.

THE following Persons have been objected to as not entitled to have their Names retained on the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the said City.

Christian and Surname of each Person objected to.	Place of his Abode.	Name of the Company.

Dated the Day of

(Signed) *A. B.* } Secondaries of the
C. D. } City of London.

Schedule (D.)

SCHEDULE (D.)

No. 1.

TABLE of RATES OF PAYMENT to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List or Copy of a List containing any Number of Persons Names—

	s.	d.
Not exceeding 100 Names	0	6
Exceeding 100 and not exceeding 200	1	0
Exceeding 200 and not exceeding 300	1	6
Exceeding 300 and not exceeding 400	2	0
Exceeding 400	2	6

No. 2.

TABLE of RATES OF PAYMENT to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register or any Part of any Register containing any Number of Persons Names—

Not exceeding 1,000 Names	1	0
Exceeding 1,000 and not exceeding 3,000	2	6
Exceeding 3,000 and not exceeding 6,000	5	0
Exceeding 6,000 and not exceeding 9,000	7	6
Exceeding 9,000	10	0

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ANNO SEXTO

VICTORIÆ REGINÆ.

***

and improving the Parish of *Saint James Westminster*," Part of which said Plot of Ground herein-before described, with the Messuage or Tenement heretofore erected and standing thereon, was demised by His late Majesty King *George* the Third to *Richard Henry Alexander Bennett*, by Letters Patent, dated Tenth *May* One thousand eight hundred and three, for a Term which will expire on the Tenth Day of *October* One thousand eight hundred and sixty-one; other Part thereof, with the several Messuages or Tenements heretofore erected and standing thereon, was demised, by His said late Majesty King *George* the Third, to *Maria Deborah Grosvenor* Spinster, *Thomas Grosvenor*, and *Robert Grosvenor*, by Letters Patent, dated Third *March* One thousand eight hundred and ten, for a Term which will expire on the Tenth Day of *October* One thousand eight hundred and sixty-seven; and another small Portion thereof was demised by Indenture of Lease, dated Twentieth *November* One thousand eight hundred and twenty-two, to Sir *Richard Sutton* Baronet, for a Term which will expire on the said Tenth Day of *October* One thousand eight hundred and sixty-one: And whereas all and singular the Houses, Erections, and Buildings which heretofore stood on the said Plot of Ground, including all the Houses, Erections, and Buildings which stood in the said Court called *Thatched House Court*, have lately been pulled down, or are now in progress of being pulled down, with the view of new Houses and Buildings of a superior Class being erected on the Site thereof; and there being no longer any Need or Occasion for keeping open the Area of the said Court called *Thatched House Court*, or the Entrance thereto, it is expedient that the same should form Part of the Building Site of the said intended new Houses, and be discharged from all Rights of Way into, in, or over the same, and from the Jurisdiction of the said Commissioners for paving and improving the Parish of *Saint James Westminster*, who will thereby be relieved from the Charge of paving, cleansing, and lighting the said Court for the future: And whereas the said Street called *Little Saint James's Street* is of irregular Width, and for the most Part inconveniently narrow, being at its Entrance from *Saint James's Street* of the Width of Ten Feet only, or thereabouts, and it is proposed to improve and widen and render the same more commodious for the Passage of Carriages and Foot Passengers, by throwing into the said Street, and leaving open for the Use of the Public, so much of the North Side of the before-mentioned Plot of Ground belonging to Her Majesty abutting on the South Side of *Little Saint James's Street* and *Catharine Wheel Yard* aforesaid as will make the said Street called *Little Saint James's Street* of the uniform Width of Twenty-four Feet throughout; and Her Majesty is graciously assenting thereto: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Ground and open Area of the said Court called *Thatched House Court*, and of the Entrance into the said Court from *Little Saint James's Street* aforesaid, shall be and the same is hereby vested in Her Majesty, Her Heirs and Successors, freed

Area of Thatched House Court vested in Her Majesty, discharged of

freed and discharged of and from all Rights of Way and other Rights and Easements whatsoever into, in, or over the same, and freed and discharged of and from the Power and Superintendence of the paving, repairing, cleansing, lighting, watering, and improving the said Court, and preventing Nuisances and Obstructions therein, now vested in the Commissioners for paving and improving the Parish of *Saint James Westminster*, all which said Rights of Way, and other Rights and Easements, Power and Superintendence, shall be and the same are hereby extinguished; and that it shall and may be lawful to and for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to take and use or demise the said Ground and Premises, so freed and discharged as aforesaid, for building or other Purposes, and either together with the adjoining Ground and Premises, the Property of Her Majesty, and as Part and Parcel thereof, or separately therefrom, in as full and ample Manner as they are by Law authorized and empowered to take, use, or demise any Part or Parts of the Possessions and Land Revenues of the Crown under their Care and Management.

Rights of Way and the Jurisdiction of Paving Commissioners.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to lay open into the said Street called *Little Saint James's Street*, and the Continuation of the said Street called *Catharine Wheel Yard*, for the Purpose of improving and widening the same, so much of the adjoining Ground of Her Majesty on the South Side of the said Street and in *Catharine Wheel Yard* aforesaid as will make the said Street and the Continuation thereof of the Width of not less than Twenty-four Feet throughout, and to cause the said Ground so to be laid open as aforesaid to be levelled and filled in with sound hard Rubbish, to prevent the Ground from giving way, and to pave over the same Ground either with Stone, broken Granite, Wood, or other Material, to the Satisfaction of the Commissioners for paving and improving the Parish of *Saint James Westminster*; and that when the said Ground shall have been so laid open and paved as aforesaid the same shall form Part of the said Street called *Little Saint James's Street*, and shall be used by the Public accordingly, and the Property of the Pavement Surface of the said Ground, and the sole Power and Superintendence of the paving, repairing, cleansing, lighting, watering, and improving the same, and preventing Nuisances and Obstructions thereon, shall thenceforth be vested in the Commissioners for paving and improving the Parish of *Saint James Westminster*.

Commissioners of Woods empowered to widen Little SaintJames's Street.

III. Provided always, and be it enacted, That the Exclusion herein-before contained of the Area of the said Court called *Thatched House Court* from the Jurisdiction of the said Commissioners for paving and improving the Parish of *Saint James Westminster*, as to paving, cleansing, and lighting the same, shall not extend or be construed to extend to exclude the same from the Jurisdiction of the said Commissioners as to rating, but that it shall be lawful for the said Commissioners to rate all and every the Persons and Person who shall inhabit, use, or occupy all or any of the Houses or Buildings to be erected on the said Area, Ground, and Premises herein-

Saving the Jurisdiction of the Paving Commissioners as to rating.

herein-before described, in such and the same Manner and in the same Proportion as the other rateable Property in the said Parish is rated by the same Commissioners.

Saving the Rights of Lessees.

IV. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to defeat, prejudice, or affect the Term, Estate, and Interest of the said *Richard Henry Alexander Bennett*, his Executors, Administrators, Under-tenants, or Assigns, under the said recited Letters Patent of the Tenth Day of *May* One thousand eight hundred and three, or of the said *Maria Deborah Grosvenor*, *Thomas Grosvenor*, and *Robert Grosvenor*, their Executors, Administrators, Under-tenants, or Assigns, under the said recited Letters Patent of the Third Day of *March* One thousand eight hundred and ten, or of the said Sir *Richard Sutton* Baronet, his Executors, Administrators, Under-tenants, or Assigns, under the said recited Indenture of Lease of the Twentieth Day of *November* One thousand eight hundred and twenty-two, but that all such several Terms, Estates, and Interests shall remain whole and unimpaired as if this Act had not been passed.

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ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XX.

An Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office. [31st *May* 1843.]

WHEREAS the ancient Office of the Queen's Coroner and Attorney in the Court of Queen's Bench, commonly called the Master of the Crown Office, hath lately become vacant by the Death of *Peregrine Dealtry* Esquire, and *Charles Francis Robinson* Esquire hath been appointed to the said Office, to prevent the Inconvenience which would have arisen from Delay in filling it up, but subject to such Arrangements and Regulations as might by Parliament be deemed expedient: And whereas it is desirable to relieve the Public and the Suitors from many ancient and unsuitable Fees now taken in the Crown Office, and to remodel the present Establishment, and that the Offices or Employments of the Clerks in Court and certain other Officers now existing in the said Crown Office should be abolished: And whereas, under the Provisions of an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*, Compensation has been awarded to the whole of the present Officers who are entitled thereto, and whose Offices will cease under the Provisions of this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

11 G. 4. & 1 W. 4. c. 58.

The Queen's Coroner and Attorney, One Master, and One Assistant Master, to be the only Officers of the Court; all other Offices abolished.

and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-four the only Officers on the Crown Side of the said Court shall be the Queen's Coroner and Attorney, One Master and One Assistant Master; and from and after that Day the several Offices or Employments now existing in the Crown Office of Secondary, of Clerk of the Rules, of Clerk of the Affidavits, of Examiner, of Calendar Keeper, of Clerk of the Grand Juries, of Clerks in Court, and of the Queen's Clerk in Court, shall be and the same are hereby abolished, and shall wholly cease and determine.

Three Officers appointed.

II. And be it enacted, That the said *Charles Francis Robinson* shall continue to hold and enjoy the said Office of the Queen's Coroner and Attorney in the said Court for his Life, together with all the Rights, Privileges, and Advantages now belonging to the said Office, except so far as the same may be altered or abolished by this Act; and *William Samuel Jones* Esquire, now Secondary, and one of the Clerks in Court in the Crown Office, shall be the Master, and *George Barne Barlow* Esquire, now one other of the said Clerks in Court, shall be the Assistant Master, holding their said Offices during good Behaviour; and there shall also be in the said Office so many Clerks and Messengers as the Lord Chief Justice of the Court of Queen's Bench shall determine to be necessary and proper; and such Clerks and Messengers shall and may be appointed by the Queen's Coroner and Attorney, and the Master in the said Office, with the Approbation of the said Lord Chief Justice: Provided always, that so many of the Persons who are now employed in the said Office as may be needful shall be appointed as such Clerks and Messengers, if they shall be found competent to execute the Duties required of them, in preference to any other Persons who may not have been so employed.

Such Clerks and Messengers as are necessary to be appointed.

Appointment of future Officers in case of Vacancy.

III. And be it enacted, That when and so often as any Vacancy shall occur in either of the Three said Offices on the Crown Side of the said Court, by Death, Resignation, or otherwise, it shall and may be lawful for the Lord Chief Justice of the said Court for the Time being to nominate and appoint some fit and proper Person to fill such vacant Office, such Person being a Barrister or Pleader, in actual Practice, of not less than Five Years standing, or an admitted Attorney of the said Court, in actual Practice, of not less than Five Years standing on the Rolls of the said Court, or any one of the Persons who shall hold any Office or Employment under the Provisions of this Act in the Crown Office, or any Person who shall have held either of the Offices hereby abolished: Provided always, that the Lord Chief Justice of the said Court shall not be at liberty to fill up such Vacancy unless it shall be certified in Writing to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, under the Hand of the said Lord Chief Justice, that it is absolutely necessary, for the efficient and satisfactory Conduct of the Business on the Crown Side of the said Court, that the said Three Officers should be retained; and such Certificate shall forthwith be laid before both Houses of Parliament, if Parliament shall be then sitting; if not, within Seven Days after the assembling thereof;

Restriction as to filling up Vacancies.

thereof; and no such Appointment of the Queen's Coroner and Attorney, or of such Master or Assistant Master, shall take place by such Lord Chief Justice until Ten Days after such Certificate shall have been so laid before both Houses of Parliament as aforesaid, any thing in this Act to the contrary thereof notwithstanding.

Officers to be appointed without pecuniary Consideration during good Behaviour, and the Clerks and Messengers during Pleasure.

IV. And be it enacted, That all such Appointments of Officers, Clerks, or Messengers to be made by virtue of this Act shall be so made without any pecuniary or other Consideration whatever, directly or indirectly, to be paid or received for the same; and the Officers to be hereafter appointed by virtue of this Act shall hold their Offices during their good Behaviour; and the Persons to be appointed by virtue of this Act as such Clerks and Messengers shall hold their Situations during Pleasure, and such Officers, Clerks, and Messengers shall execute their Duties in Person, and shall give their Attendance in Court or elsewhere, and shall conduct the Business of their several Employments at such Places and Hours, whether in Term or Vacation, and in every respect in such Manner, as the Court of Queen's Bench shall from Time to Time order and direct.

In Cases of Sickness or Absence of Officers.

V. Provided always, and be it enacted, That if either of the said Officers shall, from Sickness or other unavoidable Cause, have Occasion to be absent from the Business of his Office for a longer Period than Two Months at any one Time, then and in every such Case it shall be lawful for the Lord Chief Justice of the said Court for the Time being to give Leave of Absence by his Order in Writing to such Officer, and, if necessary, to appoint a Deputy in his Place, during such Time as shall be expressed in such Order, and the Name of such Deputy, and also the Cause and Time of such Absence, shall be stated in such Order; and such Deputy may, if Occasion shall require it, be changed by the said Lord Chief Justice; and every Deputy so appointed shall be paid by the Principal for whom he shall act, out of his Salary, such Remuneration for his Services as the said Lord Chief Justice shall direct in such Order, not being in any Case less than at the Rate of One Third of the Amount of the Salary of such Officer, during the Period that such Deputy shall act.

Persons appointed not to practise elsewhere.

VI. And be it enacted, That no Person holding any such Office of the Queen's Coroner and Attorney, Master or Assistant Master, or being a Clerk on the Crown Side of the said Court, shall, either directly or indirectly, act as a Barrister, Attorney, or Solicitor, or as Agent of any Attorney or Solicitor, in any Court of Law or Equity in the United Kingdom, either separately or in Partnership with any other Person, during such Time as he shall hold such Office or act as such Clerk.

Salaries of Officers;

VII. And be it enacted, That the Queen's Coroner and Attorney, and the Master in the Crown Office, shall receive by way of Salary, for performing the Duties of their respective Offices, the Sum of One thousand two hundred Pounds *per Annum* each, and the said Assistant Master shall receive by way of Salary, for the Performance of his Duties, the Sum of Six hundred Pounds *per Annum*, the said Salaries

to commence on 1st Jan. 1844.

Salaries to commence and be computed from the First Day of *January* One thousand eight hundred and forty-four, and to be paid and be payable quarterly; namely, on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Term which at the Decease of the Person entitled thereto shall have elapsed since the last Payments thereof.

Salaries to certain Officers in lieu of Compensation Allowances.

VIII. Provided always, and be it enacted, That the said *Charles Francis Robinson* shall receive the Sum of Two thousand Pounds *per Annum* by way of Salary so long as he shall hold the said Office of Queen's Coroner and Attorney, and the said *William Samuel Jones* the Sum of One thousand six hundred and two Pounds by way of Salary, so long as he shall hold the said Office of Master, and the said *George Barne Barlow* the Sum of Seven hundred Pounds, by way of Salary, so long as he shall hold the said Office of Assistant Master, in lieu of the Compensation Allowances to which they are now by Law respectively entitled: Provided always, that from and after the passing of this Act the said Office of Queen's Coroner and Attorney shall be wholly discharged from the Land Tax heretofore assessed upon the said Office.

Salaries of Clerks and Messengers to be fixed by the Lord Chief Justice and the Commissioners of the Treasury.

IX. And be it enacted, That the Clerks and Messengers who shall be appointed as herein-before directed shall receive, by way of Salary, for the Performance of their several Duties, such annual Sum and payable at such Times as the Lord Chief Justice of the said Court and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time fix and determine: Provided always, that if any of the Persons appointed as Clerks or Messengers under the Provisions of this Act shall be entitled to and in the Receipt of Compensation Allowance awarded to them under the herein-before recited Act or of any other Act, which shall exceed the Amount of Salary fixed and determined as aforesaid, such Persons shall be entitled to and shall receive the full Amount of such Compensation Allowance, by way of Salary, as long as they shall respectively hold their Situations under this Act; and in Cases where such Compensation Allowance shall be less than the Amount of Salary so fixed and determined the same shall merge and be considered as Part of and included in the said Salary.

Salaries of Officers, &c. to be paid out of the Fees received in the Office, and Surplus to be paid into Consolidated Fund.

If Fees not sufficient, Deficiency to be

X. And be it enacted, That the Salaries of the said Officers and of the Clerks and Messengers, together with the necessary and unavoidable Expences of the Crown Office, shall be paid and payable out of and be charged and chargeable upon the Fees received in the said Office; and the Surplus of such Fees, after the Payment of the said Salaries and Expences, shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at such Times and in such Manner as the said Commissioners of Her Majesty's Treasury for the Time being shall think proper to direct; and in the event of the Fees so received being at any Time insufficient to defray the said Salaries and other necessary Expences, it shall be lawful for the said Commissioners

missioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby authorized and required, to direct the Amount of such Deficiency to be charged upon and be paid out of the said Consolidated Fund.

charged on Consolidated Fund.

XI. And be it enacted, That if any Officer, Clerk, or Messenger appointed or to be appointed under or by virtue of this Act shall, for any thing done or pretended to be done relating to their Offices or Employments, or under colour of doing any thing relating to their Offices or Employments, or for forbearing to do any Act properly appertaining thereto, demand or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in Trust for him, or any other Person named by him, any Gratuity, Perquisite, or Reward, or any Thing of Value, other than the lawful Fees and Emoluments of the said respective Offices, or other than the Salary or Remuneration allowed or to be allowed to every such Officer, Clerk, or Messenger, it shall be lawful for the said Lord Chief Justice, and he is hereby empowered and required, upon his being satisfied that the Person charged is guilty of so offending, to remove him from his Office or Employment; and the Person so removed shall be and is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in any of the Courts of Law or Equity in the United Kingdom, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever.

Officers not to take Gratuities, on pain of Dismissal.

XII. And be it enacted, That the said Queen's Coroner and Attorney, and Master, shall cause all Fees received by them, and all Disbursements made thereout for Salaries and other necessary Expences, to be duly and regularly entered in One or more Books to be kept for that Purpose in their Offices, distinguishing the Fees received under their several Heads, and also the Particulars and Amount of every Disbursement; and shall quarterly, within One Month after the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury for the Time being of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt, or otherwise, and accompanied by such Vouchers, as the said Commissioners shall from Time to Time require and direct; and if upon the Examination of any such Account it shall appear to the said Commissioners that any Fees have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such Way as they may think reasonable and proper; and the said Officers by whom such Account shall have been rendered shall and they are hereby required to alter and amend the said Account accordingly: Provided always, that the said Officers shall submit their Books of Account to the Inspection of the said Commissioners of Her Majesty's Treasury, or any Person or Persons whom they may employ for that Purpose, whenever they shall be required so to do.

Queen's Coroner and Attorney, and Master, to keep Accounts of Fees and Disbursements, and to render same quarterly to Commissioners of the Treasury.

Allowances on Retirement from Office.

XIII. And be it enacted, That the said Officers, and every Person appointed or to be appointed under the Provisions of this Act as Clerk or Messenger, and who was entitled to and has received Compensation in respect of the Office formerly held by him under the said recited Act passed in the First Year of the Reign of King *William* the Fourth, who shall hereafter resign his Office or Situation, giving Two Months Notice in Writing of such Resignation to the Lord Chief Justice of the said Court, shall be entitled to receive during his Life such annual Sum as the Commissioners of Her Majesty's Treasury shall think proper to fix and appoint, not exceeding in any Case the net annual Value of the Office or Situation formerly held by him, and not being less in any Case than Three Fourths thereof; provided that such annual Sum shall exceed the Superannuation Allowance, to be ascertained as herein-after mentioned; and the said Officers, and every Person appointed or to be appointed to any Situation as aforesaid under this Act, where such annual Sum shall amount to a less Sum than the Superannuation Allowance, to be ascertained as herein-after mentioned, or who was not entitled to and has not received Compensation in respect of any former Office held by him under the Provisions of the said Act, and who shall hereafter resign his Office or Situation with the Sanction and under the Authority of the Lord Chief Justice of the said Court, in consequence of his being incapable, from Infirmity of Mind or Body, to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the said Commissioners of Her Majesty's Treasury shall direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in any Office or Situation in the said Court, or in any other public Office or Situation, prior to the passing of this Act, and shall proceed according to the Principles laid down by an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*; and all Officers, Clerks, and Messengers who shall be newly appointed in the said Office after the passing of this Act shall be subject to the Deductions from their Salaries imposed by the said Superannuation Act, and all such Sums and Allowances which shall be so awarded and granted by way of Superannuation under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the said Officers, Clerks, and Messengers respectively as aforesaid, and the necessary Expences of the said Office.

4 & 5 W. 4. c. 24.

What Persons shall be allowed to practise in the Court.

XIV. And be it enacted, That the Solicitors for the several public Boards, and all Persons admitted or admissible to practise as Attornies in the Queen's Bench, shall be allowed in like Manner to practise on the Crown Side of the said Court, any Law or Usage to the contrary notwithstanding, upon Payment nevertheless of such Fees in respect of the Business transacted by such Attornies on the Crown Side of the said Court as shall by the said Lord Chief

Justice and Judges of the said Court be fixed and appointed under the Provisions herein-after expressed and declared in that Behalf.

Lord Chief Justice, &c. to establish a Table of Fees; but no Fees to be demanded in respect of Proceedings directly at the Suit of Her Majesty.

XV. And be it enacted, That it shall and may be lawful for the Lord Chief Justice and the Judges of the said Court, or any Three or more of them, and they are hereby required, on or before the First Day of *January* One thousand eight hundred and forty-four, to establish and ordain at their Discretion a Table of Fees to be thereafter taken by the said Queen's Coroner and Attorney, and Master, and to vary and afterwards modify the same from Time to Time as they shall think fit; and the Fees so established and ordained shall be deemed and taken to be the lawful Fees of the Crown Office: Provided always, that no Fees whatever shall be demanded or received by the said Coroner and Attorney, Master or Assistant Master, or by any Person employed by them in the said Office, for or in respect of any Act, Duty, or Service required to be done, performed, or rendered by them, or any of them, in the course of any Proceedings carried on in the said Office directly at Her Majesty's Suit and Charge; and the said Coroner and Attorney, Master and Assistant Master, and the several Persons employed by them in the said Office, are hereby authorized and required to perform and render such Acts, Duties, and Services as may be required in the Course of such last mentioned Proceedings without Payment of any Fee whatsoever in respect thereof.

Lord Chief Justice, &c. to make Rules, &c. for Care and Custody of Records and issuing Writs, &c.

XVI. And be it enacted, That it shall and may be lawful for the said Lord Chief Justice and the Judges of the said Court, or any Three or more of them, to make such Rules, Orders, and Regulations from Time to Time for the Care and Custody of the Records and other Proceedings on the Crown Side of the said Court, and the Enrolment thereof, and the issuing, returning, and filing of Writs and other Proceedings, and all other Matters and Things relating to the Practice and the general Business to be transacted on the Crown Side of the said Court, as to them shall seem fit and proper.

The Queen's Coroner and Attorney, Master and Assistant Master, to perform the Duties of the Officers abolished.

XVII. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and forty-four all Acts, Duties, and Services now done, performed, and rendered by the said Officers abolished by this Act, or any of them, in their respective Offices on the Crown Side of the said Court, except so far as the same may be altered or regulated in pursuance of this Act, shall continue to be done, performed, and rendered by the said Queen's Coroner and Attorney, and Master and Assistant Master, or their Successors, or by One of them; and such Acts, Duties, and Services, when so done, performed, and rendered by the said Officers or their Successors, or One of them, shall be good and valid in Law to all Intents and Purposes: Provided always, that the several Acts, Duties, and Services now and heretofore done, performed, and rendered by the Clerks in Court on the Crown Side of the said Court shall, from and after the said First Day of *January* One thousand eight hundred and forty-four, be done, performed, and rendered by the Solicitors for the several public Boards and by the Attornies of the said Court in like Manner as the Business of the like Descriptions is now

The Queen's Coroner to receive Monies and account for Fines, &c. as heretofore.

now transacted on the Civil Side of the said Court: Provided also, that all Monies paid into the said Court for Her Majesty's Use shall continue to be received as heretofore by the said Queen's Coroner and Attorney; and the several Accounts of Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of Her Majesty in the said Court, required by any Act now in force to be rendered and made by the said Coroner and Attorney, and all other Acts, Duties, and Services now done, performed, and rendered by the said Coroner and Attorney touching the Receipt and Payment of Monies to or for the Use of Her Majesty, and the Accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Queen's Coroner and Attorney.

John Oliver Jones entitled to Compensation for Loss of his Reversionary Interest in respect to the Office of Clerk in Court.

XVIII. And whereas *William Samuel Jones* and *John Oliver Jones* have been admitted as Clerks in Court in the said Office jointly and severally, and have been jointly compensated under and by virtue of an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, but, by an Agreement entered into at the Time of the Admission of the said *John Oliver Jones* between the said *William Samuel Jones* and *John Oliver Jones*, it was agreed that the said *William Samuel Jones* should receive and take to his own Use and Benefit the whole of such Compensation during his natural Life, and should perform and execute all the Duties incident to the said Office of a Clerk in Court, and that the said *John Oliver Jones* should not interfere therewith, and that the said *John Oliver Jones* should, after the Decease of the said *William Samuel Jones*, receive and take to his own Use during his natural Life such Compensation as aforesaid, and should perform all the Duties of the said Office: And whereas by virtue and in pursuance of this Act the said *John Oliver Jones* will be One of those Officers whose Office and Duty will be abolished, and he will be thereby entitled to Compensation by virtue of the said Act of Parliament of the First Year of King *William* the Fourth; now therefore be it enacted, That the said *John Oliver Jones* shall be entitled to receive such Compensation for the Loss of his Reversionary Interest in the said Office immediately after the passing of this Act as the Commissioners of Her Majesty's Treasury for the Time being may adjudge to him, not being less than Three Fourths of the Value of such Reversion, or he may receive such Compensation at the Time of the Decease of the said *William Samuel Jones* as he would be entitled to receive by virtue of the said Act of the First Year of King *William* the Fourth if the said Office had not been abolished.

Act may be altered this Session.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XXI.

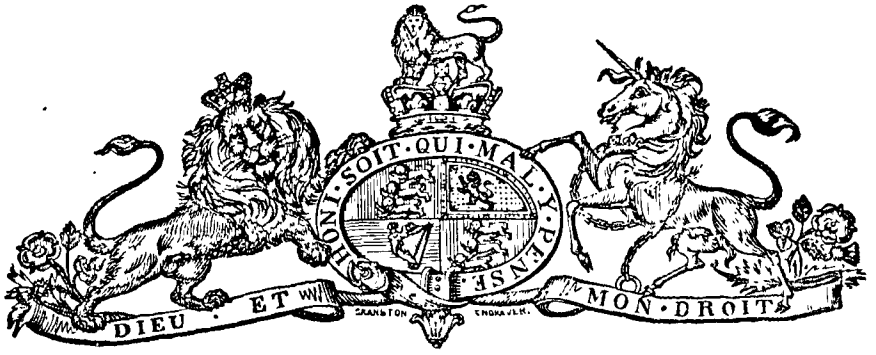
An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-four, and to the End of the then Session of Parliament, the several Acts for regulating Turnpike Roads in *Ireland*. [31st *May* 1843.]

WHEREAS the several Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas, under the Provisions of an Act passed in the Session of Parliament holden in the Fifth Year of Her Majesty's Reign, the said Acts were further continued for a Time therein limited: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the said several Acts for making, amending, or repairing Turnpike Roads in *Ireland* shall be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Acts for making or repairing Turnpike Roads in Ireland further continued.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland*, which will expire on the said Thirty-first Day of *July* in the present Year, or during or with the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and forty-four, or if Parliament be then sitting, until the End of the then Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO

VICTORIÆ REGINÆ.

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CAP. XXII.

An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission, in certain Cases, of unsworn Testimony in Civil and Criminal Proceedings.

[31st *May* 1843.]

WHEREAS there are resident within the Limits of or in Countries adjacent to divers of the *British* Colonies and Plantations abroad various Tribes of barbarous and uncivilized People, who, being destitute of the Knowledge of God and of any religious Belief, are incapable of giving Evidence on Oath in any Court of Justice within such Colonies or Plantations: And whereas Doubts have arisen whether any Laws which have been or which might be made by the Legislatures of such Colonies respectively to provide for the Admissibility in such Courts of the Evidence of such Persons are not or would not be repugnant to the Law of *England*, and therefore null and void; and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Laws or Ordinances made by the Legislatures of British Colonies for Admission of the Evidence of certain Persons residing therein shall have the same Effect as other Colonial Laws.

and by the Authority of the same, That no Law or Ordinance made or to be made by the Legislature of any *British* Colony for the Admission of the Evidence of any such Persons as aforesaid in any Court or before any Magistrate within any such Colony shall be or be deemed to have been null and void or invalid by reason of any Repugnancy or supposed Repugnancy of any such Enactment to the Law of *England*, but that every Law or Ordinance made or to be made by any such Legislature as aforesaid, for the Admission before any such Court or Magistrate of the Evidence of any such Persons as aforesaid on any Conditions thereby imposed, shall have such and the same Effect, and shall be subject to the Confirmation or Disallowance of Her Majesty in such and the same Manner, as any other Law or Ordinance enacted for any other Purpose by any such Colonial Legislature.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXIII.

An Act to amend and explain an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [27th *June* 1843.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure*; and it is expedient to amend and explain the said Act in certain respects: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, in addition and subject to the Provisions contained in the said Act, any Enfranchisement made under the same may be made, either wholly or in part, for the Consideration

4 & 5 Vict. c. 35.

Enfranchisement may be made in consideration of an annual Rent, and Commutation may be

made in consideration of the Conveyance of Lands subject to the same Uses as those commuted, or any Right to Mines or Minerals.

sideration of a Grant of an annual Rent in Fee to be thenceforth charged on and issuing out of the Lands enfranchised, such annual Rent to be valued in like Manner and be subject to the like Variation as the Commutation Rent-charge under the Provisions of the said Act; and that, in addition and subject to the Provisions contained in the said Act, any Commutation or Enfranchisement made under the same may be made either wholly or in part for the Consideration of a Conveyance of Lands Parcel of the same Manor as the Lands commuted or enfranchised, and subject to the same Uses and Trusts as the Lands commuted or enfranchised shall be subject to at the Time of such Commutation or Enfranchisement, or any Right to Mines or Minerals in or under such Lands, or any Right to Waste in Lands belonging to such Manor.

Power to the Person obtaining the Enfranchisement of Lands to grant an annual Rent in consideration of such Enfranchisement.

II. And be it enacted, That if the Consideration for the Enfranchisement under the said Act shall be either wholly or in part the Grant of an annual Rent, then it shall be lawful for the Person empowered by the said Act to obtain the Enfranchisement of such Lands to grant such annual Rent to the Person enfranchising such Lands, and his Heirs, to the Uses and upon and for the Trusts, Intents, and Purposes to, upon, and for which the Manor of which such Lands are Parcel shall be subject and held at the Time of such Enfranchisement, and to charge such annual Rent on all or such of the Lands enfranchised as shall be fixed on, and to make the same payable by equal half-yearly Payments; and the annual Rent so granted shall be a Rent Service, and thenceforth Parcel of and appendant and appurtenant to the same Manor as the Lands enfranchised; and such annual Rent may be granted either by Deed or by a Schedule of Appointment, to be made and signed pursuant to the Directions of the said Act and of this Act.

Power to the Person obtaining the Commutation or Enfranchisement of Lands to convey Lands in consideration of such Commutation or Enfranchisement.

III. And be it enacted, That if the Consideration for the Commutation or Enfranchisement under the said Act shall be either wholly or in part the Conveyance of Lands, or a Right to Mines or Minerals, or a Right to Waste in Lands belonging to such Manor as aforesaid, then it shall be lawful for the Person empowered by the said Act to obtain such Commutation or Enfranchisement to convey the Lands, or Rights to Mines or Minerals, or Rights to Waste in Lands belonging to such Manor, fixed on as the Consideration, either wholly or in part, for such Commutation or Enfranchisement, to the Person commuting or enfranchising the Lands proposed to be commuted or enfranchised, and his Heirs, to the Uses and upon and for the Trusts, Intents, and Purposes to, upon, and for which the Manor of which such Lands are Parcel shall be subject and held at the Time of such Commutation or Enfranchisement.

Power to the Person having a particular Estate in an annual Rent to apportion the same.

IV. And be it enacted, That if, at any Time while an annual Rent shall remain charged on any Lands under this Act, the Person for the Time being seised in Possession of such annual Rent or entitled to the Receipt thereof shall be so seised or entitled for a particular Estate, (whether such Estate shall have been subsisting at the Time of the Enfranchisement of such Lands or not,) then it shall be lawful for such Person, whether he shall be so seised or entitled in actual

Possession or in Remainder or Reversion expectant on the Determination of any Estate for a Term of Years, to divide and apportion such annual Rent, and to declare what Part and Proportion thereof shall be thenceforth severally charged upon each of the respective Parcels of such Lands between which such Apportionment is intended to be made; and after such Apportionment such annual Rent shall be chargeable upon and payable out of such Lands only, and in such Parts and Proportions only as shall be so declared: Provided nevertheless, that it shall not be lawful for any Person so seised or entitled as aforesaid in respect of an undivided Share only of such annual Rent to divide and apportion such annual Rent, unless the Person for the Time being enabled either by this Act or otherwise to divide and apportion the same as respects the other undivided Share thereof shall join in dividing and apportioning such annual Rent.

Power to the Person having a particular Estate in Lands charged with an annual Rent to concur in the Apportionment thereof.

V. And be it enacted, That if at any Time while an annual Rent shall remain charged on any Lands under this Act the Person seised of such Lands in Possession, or entitled to the Receipt of the Rents, Issues, and Profits thereof, shall be so seised or entitled for a particular Estate, (whether such Estate shall have been subsisting at the Time of the Enfranchisement of such Lands or not,) then it shall be lawful for such Person, whether he shall be so seised or entitled in actual Possession or in Remainder or Reversion expectant on the Determination of any Estate for a Term of Years, and with the Consent of the Copyhold Commissioners, to concur in any Division or Apportionment of such annual Rent, and to agree what Part and Proportion thereof shall be thenceforth severally charged upon each of the respective Parcels of such Lands between which such Apportionment is intended to be made: Provided nevertheless, that it shall not be lawful for any Person so seised or entitled as aforesaid in respect of an undivided Share only of such Lands to concur in or agree to any such Division or Apportionment, unless the Person for the Time being enabled either by this Act or otherwise to concur in such Division or Apportionment as respects the other undivided Share of such Land shall concur in or agree to such Apportionment.

No Apportionment to be made without the Consent of the Person entitled to the Lands.

VI. Provided nevertheless, and be it enacted, That no Division or Apportionment shall be made under this Act of an annual Rent charged on any Lands unless with the Concurrence and Agreement of the Person seised of such Lands or entitled to the Receipt of the Rents, Issues, and Profits thereof, for an Estate in respect of which he is enabled either by this Act or otherwise to concur in or agree to such Apportionment, so as to render the same permanent and effectual.

Annual Rents charged on Lands under this Act to be First Charges on such Lands.

VII. And be it enacted, That every annual Rent which shall be charged on any Lands under the Authority of this Act shall be a First Charge on such Lands, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Lands, Tithe Rent-charge excepted, notwithstanding such Mortgages, Charges, and Incumbrances shall have been or shall be respectively made and created before such apportioned annual Rent shall be charged on such Lands.

VIII. Pro-

Sub-lessees not to be liable to the Payment of a greater Sum than they were before liable to.

VIII. Provided always, and be it enacted, That a Sub-lessee under any Sub-lease, his Executors, Administrators, or Assigns, shall not, in consequence of any Charge under this Act either with an annual Rent, or in consequence of any Apportionment under this Act, either of an apportioned annual Rent or of any Rent reserved in any Lease, be liable to the Payment of any greater Sum of Money than he would have been subject or liable to if such Charge or Apportionment had not been made.

If at the Time of the Conveyance of any Lands in consideration of an Enfranchisement there shall be a Lease subsisting, the Person to whom such Lands shall be conveyed shall have the Reversion on such Lease, and may distrain for the Rents and enforce the Covenants, &c.

IX. Provided always, and be it enacted, That if at the Time of the Conveyance under this Act, in consideration either wholly or in part of the Commutation or Enfranchisement of any Lands held by Copy of Court Roll, there shall be subsisting in the Lands so conveyed any Lease (not being an Under-lease), then the Lessee under such Lease, his Executors, Administrators, and Assigns, shall pay, observe, and keep to and with the Person to whom such Lands shall be so conveyed, or other the Person for the Time being seised of or entitled to such Lands expectant on the Determination of such Lease, and his Executors or Administrators, the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease, or such and so many or such Part of the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease as are or ought to be thenceforth respectively paid, observed, and kept in respect of the Lands so conveyed; and the Person to whom such Lands shall be so conveyed, or other the Person so for the Time being seised of or entitled as aforesaid, shall and may from Time to Time make or bring all such Distresses, Actions, Suits, or Entries for Nonpayment of such Rent or Reservations, or for Nonperformance of the Covenants, Conditions, and Agreements in such Lease respectively reserved and contained, as could, in case such Conveyance had not been made, have been made or brought by the Person making such Conveyance, or other the Person for the Time being seised of or entitled to the Reversion expectant on the Determination of such Lease; and that in all such Distresses, Actions, Suits, and Entries the Rent, Reservations, Covenants, Conditions, and Agreements in such Lease reserved and contained on the Part of the Lessee, his Executors, Administrators, or Assigns, shall be deemed and taken to be annexed to an immediate Reversion vested in the Person to whom such Lands shall be so conveyed, or other the Person for the Time being so seised of or entitled to such Lands as aforesaid.

If at the Time of the Commutation or Enfranchisement of any Lands there shall be any Lease subsisting therein, the Person seised of or entitled to

X. Provided always, and be it enacted, That if at the Time of any Commutation or Enfranchisement under the said Act or under this Act of any Lands there shall be subsisting in such Lands any Lease (not being an Under-lease), then the Lessee under such Lease, his Executors, Administrators, and Assigns, shall pay, observe, and keep to and with the Person for the Time being seised of or entitled to the Lands so commuted or enfranchised, and his Executors or Administrators, the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease, or such and so many or such Part of the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained

contained in such Lease, as are or ought to be thenceforth respectively paid, observed, and kept in respect of the Lands so commuted or enfranchised; and the Person for the Time being seised of or entitled to the Lands so commuted or enfranchised shall and may from Time to Time make or bring all such Distresses, Actions, Suits, or Entries for Nonpayment of such Rent or Reservations, or for Nonperformance of the Covenants, Conditions, and Agreements in such Lease respectively reserved and contained, as could have been made or brought by the Person who would for the Time being have been entitled to the Lands so commuted or enfranchised in case such Commutation or Enfranchisement had not been made; and in all such Distresses, Actions, Suits, and Entries the Rents or Reservations, Covenants, Conditions, and Agreements in such Lease reserved and contained on the Part of the Lessee, his Executors, Administrators, or Assigns, shall be deemed and taken to be annexed to an immediate Reversion vested in the Person for the Time being seised of or entitled to the Lands so commuted or enfranchised.

such Lands shall have the Reversion on that Lease, and may distrain for the Rents and enforce the Covenants, &c.

XI. And whereas it is provided by the said Act that whenever so many as Twelve Persons being Tenants or all the Tenants of any Manor shall agree with the Lord for the Commutation or Enfranchisement of their Lands, it shall be lawful to effect such Commutation or Enfranchisement by a Schedule of Apportionment; and it is desirable to permit a Schedule of Apportionment to be adopted when a less Number of Tenants of any Manor than Twelve are desirous of effecting a Commutation or Enfranchisement; be it enacted, That it shall be lawful to effect a Commutation or Enfranchisement by a Schedule of Apportionment, in the Manner provided by the said Act, whenever so many as Six Persons being Tenants of any Manor shall at the same Time agree with the Lord for the Commutation or Enfranchisement of their Lands.

A Schedule of Apportionment may be used where Six Tenants agree to enfranchise.

XII. And be it enacted, That if any Manor, or any Part thereof, shall be subject to the Payment of any Fee-farm Rent or other Charge not exceeding the Amount of the annual Quit Rents payable to the Lord of such Manor, it shall be lawful for the said Commissioners to direct that so much of the Money to be received for Enfranchisement in any such Manor under the Provisions of the said recited Act or this Act, as they shall consider adequate, shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Copyhold Commissioners, and to be applied, under the Directions of the said Court of Chancery, in paying or redeeming the said Charge, and in exonerating therefrom the Land which shall be enfranchised, and indemnifying the Owners of such Land, and otherwise as the said Court shall direct, on Petition in a summary Way, as provided for in the Case of other Money to be paid into the Bank of *England* under the said Act; and every such Fee-farm Rent or other Charge shall be paid to the Person entitled thereto at the same Time, and subject to the same Deductions for Land Tax or otherwise, but to no others, as if no Enfranchisement had taken place; and when Provision shall have been so made for any such Charge, it shall be lawful for the said Commissioners to

Part of the Money received for Enfranchisement may be applied in paying off any Fee-farm Rent or other Charge.

Application of the Remainder.

direct that the Remainder of the Money to be paid for Enfranchisement, and the surplus Income of the Money so paid into the Bank of *England*, after Payment of all Expences attending the Payment of such Fee-farm Rent or other Charge to the Person entitled thereto, shall be applied in like Manner as if no such Charge had existed; and thenceforth no Land which shall be enfranchised in such Manor shall be chargeable with or liable to the Payment of any greater Part of the said Fee-farm Rent or other Charge than the Amount of the Quit Rent theretofore payable out of such Land, but to that Extent the said Land shall continue and be chargeable with and liable to the Payment of the said Fee-farm Rent or other Charge, and shall be subject to the like Remedies for the Recovery thereof as if such Quit Rent continued payable; and the said Commissioners shall state in the Deed, Schedule, or other Instrument of Enfranchisement the Amount of such Quit Rent or Liability in every Case, and such Statement shall be conclusive against the Owners of the said Land: Provided nevertheless, that it shall be lawful for the said Commissioners, whatever may be the Amount of such Fee-farm Rent or other Charge, with the Consent of the Person entitled thereto, to direct, if they shall see fit, that any other Security in Land or Money which they shall consider sufficient for the Purpose shall be substituted for the Payment of Money into the Bank of *England* in manner aforesaid, and in that Case, or in any Case, and whatever may be the Amount of such Fee-farm Rent or other Charge, with the Consent of the Person entitled as aforesaid, to direct that all or any Part of the Land to be enfranchised shall be entirely released from the Payment of the said Fee-farm Rent or other Charge, and the same Land shall thenceforth be released accordingly.

Commissioners may direct that any other Security may be substituted for the Payment of Money into the Bank.

Altering Provision in recited Act as to Notice of Person entitled to next Estate of Inheritance.

XIII. And whereas it is provided by the said Act, that whenever the Estate of any Party to an Enfranchisement under the said Act shall be less than an Estate of Fee Simple in Possession, or corresponding Copyhold or Customary Estate, Notice in Writing shall be given to the Person entitled to the next Estate of Inheritance in Remainder or Reversion in the Manor or Land to be affected by such Enfranchisement; be it enacted, That in case any Tenant whose Estate shall be less than an Estate of Fee Simple as aforesaid shall be a Party to an Enfranchisement under the said Act or this Act, and shall pay the whole of the Price of Enfranchisement, so that no Part thereof or of the Expences thereof shall be charged on the Inheritance of the Land to be enfranchised, it shall not be necessary that the Person entitled to the next Estate of Inheritance or Remainder or Reversion shall have Notice of such Enfranchisement.

Payment of Enfranchisement Money when the Lord of the Manor has only a limited Interest.

XIV. And be it enacted, That when any Lord of a Manor shall be only entitled for a limited Estate or Interest therein, or shall be under any legal Disability, any Money to be paid under the said Act or under this Act for Enfranchisement from the Lord's Rights shall, at the Option of the respective Parties for the Time being entitled to the said Manor the Rights of which shall be enfranchised, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, be paid into the Bank of *England*, in the Name and with the Privity of the

said Accountant General, and be placed to his Account, in order to be applied in manner as in the said Act directed; or otherwise the same may be paid, at the like Option, to the Trustees acting under the Will, Conveyance, or Settlement under which such Lord having such limited Interest shall hold or be entitled to or interested in the said Manor of which the Lands so to be enfranchised shall be Parcel, or if there are no such Trustees then into the Hands of Trustees to be nominated under the Hands and Seal of the said Commissioners; and the Money, when so paid to such Trustees, shall be applied by the said Trustees, with the Consent of the said Commissioners, in the Manner directed and specified by the said Act of and concerning any Money to be paid for Enfranchisement under the said Act, into the Bank of *England*, in the Name and with the Privity of the said Accountant General; and upon every Vacancy in the Office of such Trustee some other fit Person shall be appointed by the said Commissioners in like Manner.

To what the Acts shall be construed to extend.

XV. And be it enacted, That the said recited Act and this Act shall be construed to extend to all Lands holden by Copy of Court Roll or by a Custom of a Manor for Life or Lives or for Years, whether the Tenant thereof have or have not a Right of Renewal; and that the Words "Land or Lands" shall extend to all Corporeal and Incorporeal Hereditaments whatsoever, whether subject to Manorial Rights or otherwise, or any undivided Part or Share therein.

This Act a Part of recited Act.

XVI. And be it enacted, That this Act shall be taken and construed to be a Part of the said recited Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXIV.

An Act to continue, until the Fifth Day of *April* One thousand eight hundred and forty-five, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices. [27th *June* 1843.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her Majesty, intituled *An Act to continue, until the Fifth Day of* April *One thousand eight hundred and forty-four, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes*, the Compositions for Assessed Taxes, entered into or renewed under the Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, were continued until the Fifth Day of *April* One thousand eight hundred and forty-four; and it is expedient to continue the same for the further Term of One Year: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Contracts of Composition for the Duties of Assessed Taxes now in force shall be and the same are hereby continued in force for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-four, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-five, under the same Rules, Regulations, and Privileges as if such Compositions did not, by the Laws now

5 & 6 Vict. c. 37.

4 & 5 W. 4. c. 51.

Compositions for Assessed Taxes continued for a further Term of One Year ending 5th April 1845;

now in force, expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts relating to or continuing such Compositions, or for collecting or enforcing Payment thereof, shall be extended and applied to the Contracts of Composition continued under this Act, to all Intents and Purposes as if the same had been herein repeated and re-enacted.

except in Cases where Parties shall give Notice to determine the same on the 5th April 1844.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract or Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty-four, and who shall, on or before the Tenth Day of *October* One thousand eight hundred and forty-three, give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

Proviso in 43 G.3. c.99., restraining the putting in Suit Collectors Bonds, repealed.

III. And whereas by an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same*, it is enacted, that the Persons to be appointed Collectors of the Duties under the Regulations of the last-recited Act shall, if required so to do, give good and sufficient Security, by a joint and several Bond, with Sureties, to and in the Names of Two or more of the Commissioners appointed for putting in execution the said Act, and with such Condition to the said Bond for the duly demanding, collecting, and paying over of the said Duties by the said Collectors as in the said last-recited Act is mentioned; and it is also enacted, that every such Bond shall be prosecuted by the Commissioners to whom the same is given on any Failure or Default of the Collectors, subject nevertheless to such Proviso as in the said last-recited Act is contained for restraining the putting in Suit of such Bond against the Sureties of the Collectors: And whereas great Doubts and Difficulties have arisen with relation to the prosecuting of such Bonds upon the Failure or Default of the Collectors, and otherwise in the Execution of the said last-recited Act, and of other Acts granting Duties to be assessed, raised, and levied under the Regulations of the said Act; and it is expedient to remove such Doubts, and to facilitate the Execution of the said several Acts: Be it therefore enacted, That so much of the said last-recited Act as provides that no such Bond as aforesaid shall be put in Suit against any Surety or Sureties for any Deficiency other than what shall remain unsatisfied after Sale of the Lands, Tenements, Goods, and Chattels of such Collector or Collectors, in pursuance and by virtue of the Directions and Powers given to the respective Commissioners by the said last-mentioned Act, shall be and the same is hereby repealed.

Evidence against Collectors and their Sureties of Sums collected and not paid

IV. And be it enacted, That upon the Trial of any Action or Suit against the Sureties of a Collector of any of the Duties aforesaid, or of the Duties arising from the Land Tax, upon any Bond entered into, either in pursuance of any Act relating to the said respective Duties or otherwise, or upon the Execution of any Writ of Inquiry of Damages in such Action or Suit, the Production of an Account

in the Handwriting of such Collector, or signed by him, of any Sum or Sums of Money collected or received by him for or on account of the said respective Duties, or any of them, shall be sufficient Proof of the Receipt by such Collector of every such Sum and Sums of Money therein mentioned on account of the Duties given to him in charge for Collection; and that, as well in any such Action or Suit as aforesaid, as upon all other Occasions whatsoever, any Schedule delivered upon Oath by such Collector in pursuance of any such Act as aforesaid, and containing or purporting to contain the Names of Persons who have made default in Payment of the said respective Duties, or any of them, and of the Sums remaining in arrear, shall be sufficient Evidence to charge such Collector and his Sureties respectively with all other Sums of Money comprised in the Assessment or Assessments given to him in charge to collect, and not included in such Schedule or previously accounted for and paid over to the proper Officer for Receipt; and all such Sums not so included in such Schedule, or previously accounted for and paid over, shall be deemed to have been collected and received by such Collector, and to remain in his Hands unpaid and in arrear.

over by the Collectors.

V. And be it enacted, That where in any Action or Suit by the Commissioners acting in the Execution of the said Acts, or of the Acts relating to the Land Tax, upon any Bond entered into, either in pursuance of any such Act or otherwise, the said Commissioners shall, without their own wilful Neglect or Default, fail to recover a Verdict against the Defendant or Defendants in such Action or Suit, and Costs shall be awarded to the said Defendant or Defendants, or where in case of any Suit in Equity being brought against the said Commissioners in relation to any such Bond, and they shall be adjudged to pay Costs to the Plaintiff or Plaintiffs in such last-mentioned Suit, the said Commissioners shall not be personally liable to the Payment of any such Costs, but the same shall be defrayed by an Assessment upon the Inhabitants of the Parish or Place in relation to which the Bond which shall have been the Subject of such Action or Suit shall have been given, and which Assessment the Commissioners acting in the Execution of the said respective Acts are hereby required and authorized to make, sign, and allow as soon as conveniently may be after such Costs shall have been awarded and ascertained; and the said Commissioners shall cause such Assessment to be made, collected, levied, and recovered in the same Manner as other Assessments of Costs are by the said recited Act or this Act directed to be made, collected, levied, and recovered, and shall cause the same to be paid over to the Person or Persons entitled to such Costs.

Costs awarded against Commissioners in Actions or Suits relating to Collectors Bonds to be raised by Assessment on the Parish.

VI. And be it enacted, That all the Authorities, Powers, and Provisions contained in any Act or Acts now in force relating to the Recovery of the Duties aforesaid, or any of them respectively, either under the Warrant of the Commissioners directed to the Collectors in their respective Districts, or by Process from Her Majesty's Court of Exchequer, shall be construed and deemed to be applicable to, and shall be applied, enforced, and put in execution for the levying and enforcing the Payment of any Sum or Sums assessed by the said Commissioners for Costs, either under the Authority of this Act or of any other Act or Acts relating to the said Duties, or any of them respectively.

Powers and Provisions of Acts relating to the Recovery of Duties to be put in force for the Recovery of Costs assessed on the Parish.

VII. And

Commissioners of Stamps and Taxes to direct where Parties shall be assessed to the Property and Income Tax in certain Cases. 5 & 6 Vict. c. 35.

VII. And whereas an Act was passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, and in the carrying of such Act into execution much Difficulty and Inconvenience is experienced by reason of Doubts as to the Districts, Parishes, or Places in which Corporations, Companies, Societies, and other Persons in certain Cases ought to be assessed for Profits under the several Schedules of the said Act, and by reason of their being liable to be assessed for Profits under One or more of the said Schedules in several Districts, Parishes, or Places; for Remedy whereof be it enacted, That in any Case where any Doubt shall have arisen or shall arise as to the District, Parish, or Place, or Districts, Parishes, or Places, in which any Corporation, Company, Society, or Person ought to be charged or assessed to the Duties granted by the said last-recited Act under any One or more of the Schedules of the said Act, and also in any Case where any Corporation, Company, Society, or Person shall have been charged or assessed, or shall be liable to be charged or assessed, to the said last-mentioned Duties, under any One or more of the said Schedules, in Two or more Districts, Parishes, or Places, it shall be lawful for the Commissioners of Stamps and Taxes, or any Two or more of them, and they are hereby authorized and empowered, in any of the several Cases aforesaid, to order and direct that such Corporation, Company, Society, or Person shall be charged and assessed to the said Duties in such District, Parish, or Place, or Districts, Parishes, or Places, as shall appear to the said last-mentioned Commissioners to be most convenient and proper, and thereupon such Corporation, Company, Society, or Person shall be charged and assessed to the said Duties according to such Order, any thing in the said last-recited Act to the contrary notwithstanding.

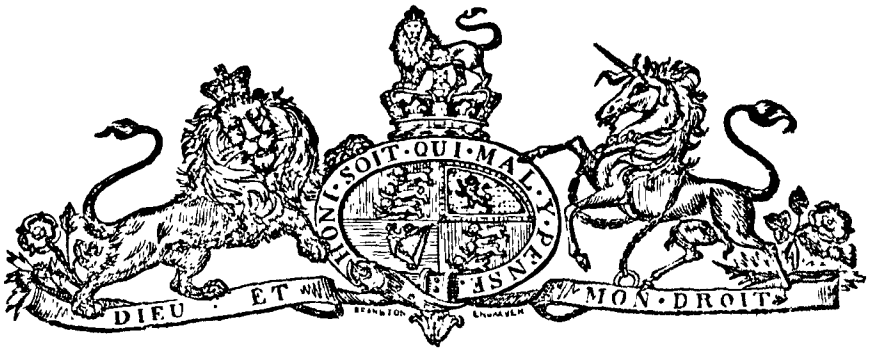
For the Relief of Persons doubly assessed to the Property and Income Tax.

VIII. And for the Relief of Parties who may be doubly charged or assessed to the said last-mentioned Duties, be it enacted, That whenever it shall appear to the Satisfaction of the Commissioners of Stamps and Taxes that any Corporation, Company, Society, or Person hath been or shall have been, either by any Error, Mistake, or otherwise, assessed more than once to any of the said Duties for the same Cause and for the same Year, and either in the same District, Parish, or Place, or in different Districts, Parishes, or Places, it shall be lawful for the said last-mentioned Commissioners, or any Two or more of them, to order and direct that the whole or so much and such Part of such One or more of the said Assessments as shall appear to them the said Commissioners to be a double Charge or Overcharge as aforesaid shall be vacated and discharged, and thereupon the same shall be by such Order vacated and discharged accordingly.

Act may be altered this Session.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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from the Decease of His Royal Highness the Duke of Cambridge.

Heirs, to the Use of or in Trust for Her said Royal Highness, an Annuity of Three thousand Pounds, which shall begin and take effect from and after the Decease of His said Royal Highness the Duke of *Cambridge* in case Her said Royal Highness shall survive him; and the said Annuity shall continue thenceforth for and during the natural Life of Her said Royal Highness, and shall be free and clear from all Taxes and Assessments, and all other Charges whatsoever, and shall be paid on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, in every Year, by equal quarterly Payments, with a proportional Part of such Annuity from the last quarterly Day of Payment to the Day of the Decease of Her said Royal Highness; the first Payment thereof to be made on the first quarterly Day of Payment which shall happen next after the Decease of His said Royal Highness the Duke of *Cambridge*, of such Proportion of such Annuity as shall have accrued between the Decease of His said Royal Highness the Duke of *Cambridge* and such quarterly Day of Payment; and that the said Annuity of Three thousand Pounds shall, by such Letters Patent, be directed to be issuing and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, during the Remainder of the Life of Her said Royal Highness, after paying or reserving sufficient to pay all such Sums as shall have been directed to be paid out of the same by any Act or Acts of Parliament made before the Time of passing this Act, but with a Preference to all Payments which shall at any Time after the passing of this Act be charged upon the said Fund.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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56 G.3. c.63. Reign, intituled *An Act to regulate the General Penitentiary for Convicts at* Millbank *in the County of* Middlesex; and an Act passed
59G.3. c.136. in the Fifty-ninth Year of the same Reign, intituled *An Act for the better Regulation of the General Penitentiary for Convicts at* Millbank; and an Act passed in the Eighth Year of the Reign of King *George* the
7 & 8 G. 4. c. 33. Fourth, intituled *An Act for the further Regulation of the General Penitentiary at* Millbank; and so much of an Act passed in the Fifth
4 & 5 W. 4. c. 36. ss. 5, 6, 7, & 8. Year of the Reign of His late Majesty, intituled *An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining*, as relates to the said Penitentiary House; and so much of an Act passed in the Sixth Year of the same Reign,
5 & 6 W. 4. c. 38. ss. 13. 14. & 15. intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, as relates to the said Penitentiary House; and an Act passed in the Seventh Year of
7 W. 4. & 1 Vict. c. 13. the same Reign, intituled *An Act to amend the Acts for regulating the General Penitentiary at* Millbank; and so much of an Act passed
2 & 3 Vict. c. 56., Part of s. 1, ss. 18, 19, 20, & 21. in the Third Year of the Reign of Her Majesty, intituled *An Act for the better ordering of Prisons*, as relates to the said Penitentiary House; and so much of an Act passed in the last Session of Parlia-
5 & 6 Vict. c. 98. ss. 26, 27. ment, intituled *An Act to amend the Laws concerning Prisons*, as relates to the said Penitentiary House; and so much of Two Acts
6 & 7 Vict. cc. 3, 4. passed in this Session of Parliament, intituled, severally, *An Act for preventing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, and *An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore*, as relates to the said Penitentiary House; and also so much of any other Act now in force as relates to the said Penitentiary House, shall be repealed, except so far as any of the said Acts may repeal the Whole or any Part of any other Act, and except as to any Offences which before the passing of this Act have been committed against any of the said Acts, which shall be punished as if this Act had not been passed, and except as to any thing before the passing of this Act done by any Person under the Authority of any of the said Acts, with respect to whom every Privilege and Protection given by any of the said Acts shall continue in force as if this Act had not been passed, and except as to any Rules or Things before the passing of this Act made or done by virtue of any of the said Acts, and except as to the Fulfilment of any Contract or Agreement before the passing of this Act made by virtue of any of the said Acts, and except as to the Term of Confinement of all Convicts received before the passing of this Act into the said Penitentiary House by virtue of any of the said Acts, who shall be confined therein for the same Periods as they would respectively have been liable to be confined if this Act had not been passed.

Lands and Buildings

II. And be it declared and enacted, That the Lands and Tenements purchased for the Establishment of the said Penitentiary House,

or

or thereunto in anywise belonging, with all Furniture and Fixtures therein, now belonging to Her Majesty, or hereafter provided for the Use of the Prison, shall be and continue vested absolutely in Her Majesty, Her Heirs and Successors. vested in Her Majesty.

III. And be it enacted, That after the passing of this Act the said Penitentiary House shall be called "The *Millbank* Prison," and shall be used as a Prison for such Offenders as are herein-after specified, and shall be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, and of an Act passed in the Third Year of the Reign of Her Majesty, intituled *An Act for the better ordering of Prisons*, and of an Act passed in the last Session of Parliament, intituled *An Act to amend the Laws concerning Prisons.* The Millbank Prison shall be used as a Prison for the Offenders herein after specified. 5 & 6 W. 4. c. 38. 2 & 3 Vict. c. 56. 5 & 6 Vict. c. 98.

IV. And be it enacted, That the said Prison, and all the Lands, Tenements, and Hereditaments thereunto belonging, with the Appurtenances thereof, and all Persons in respect thereof, shall be wholly freed and discharged from all Taxes, Rates, Assessments, and Charges whatsoever. Prison to be exempt from Rates and Taxes.

V. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint for the said Prison, and at his Pleasure to remove, a Governor, a Chaplain or Chaplains (being Clergymen not having any other Cure of Souls), a Medical Officer, and a Matron, and so many other Officers and Servants as he shall deem to be necessary for the Service and Discipline of the Prison; and the several Persons who shall be the Governor, Chaplains, Surgeon or Apothecary, Matron, and other Officers of the said Penitentiary at the Time of the passing of this Act shall continue to hold the like Offices in the *Millbank* Prison until they shall die, resign, or be removed by the Secretary of State, and shall continue, as Officers of the *Millbank* Prison, to hold all Records, Books, and Papers which were in their Custody as Officers of the said Penitentiary House; and the Secretary of State, with the Approval of the Commissioners of Her Majesty's Treasury, shall fix the Salaries to be paid to the said Governor, Chaplains, Medical Officer, Matron, and other Officers and Servants of the Prison: Provided always, that no Chaplain shall officiate at the said Prison unless he shall have obtained a Licence from the Bishop of the Diocese of *London* to officiate at the said *Millbank* Prison or at the said Penitentiary House, nor for any longer Time than while such Licence shall be in force; and Notice of every such Appointment of a Chaplain shall be sent to the Bishop by the Secretary of State within One Calendar Month next after such Appointment. Appointment of Officers.

VI. And

Secretary of State may require Security from any Officer.

VI. And be it enacted, That it shall be lawful for the Secretary of State, if he shall deem it necessary, to require any Person employed in the said Prison to give Security for the due Performance of his or her Duties, in such Sums, and with such collateral Securities, and in such Form, as the Secretary of State shall direct.

For ousting dismissed Officers.

VII. And be it enacted, That every Person appointed to any Office or Employment in the said Prison who shall be removed from his or her Office or Employment shall quit the said Prison forthwith, or within such Time as shall be allowed by One of the said Inspectors; and if he or she shall refuse or neglect to give up Possession of any House, Building, or Apartment therein or belonging thereto within such Period as shall be fixed by the Secretary of State in any Order or Notice in Writing, not being less than Forty-eight Hours after the Delivery to such Person of any such Order or Notice, then it shall be lawful for the Secretary of State, by Warrant under his Hand and Seal, to direct the Sheriff of the County to remove such Person out of the Prison, and the said Sheriff shall thereupon clear the Possession thereof, so far as relates to any Part of the Prison, or any House, Building, or Apartment therein or belonging thereto, occupied by or in possession of such Person, in like Manner as upon a Writ of Habere facias possessionem.

Inspectors to have the same Powers as Visiting Justices.

VIII. And be it enacted, That such of the Inspectors of Prisons as shall be appointed for that Purpose by One of Her Majesty's Principal Secretaries of State shall have the same Powers and Duties with respect to the said Prison which the Visiting Justices of any other Prison have with respect to their Prison, and that the Justices of the Peace for the County of *Middlesex* or for the City and Liberty of *Westminster* shall not have any Power or Jurisdiction with respect to the said Prison; and all Enactments respecting the Visiting Justices of any Prison shall be deemed to apply to the said Inspectors with respect to the *Millbank* Prison; and the said Inspectors shall hold Meetings, and they or any Two of them shall be empowered from Time to Time to make and alter Rules for their Meetings and for all Matters relating thereunto, and also for the Government of the said Prison, and for the Duties and Conduct of the Governor and other Officers of the Prison, and for the Diet, Clothing, Maintenance, Employment, and Discipline of the Convicts imprisoned therein, as to the said Inspectors shall seem fit; provided that no such Rule, whether it be original, or an Amendment or Revocation of a former Rule, shall be enforced until it shall have been approved by One of Her Majesty's Principal Secretaries of State.

Inspectors to visit the Prison.

IX. And be it enacted, That One of the said Inspectors shall from Time to Time visit the *Millbank* Prison during the Intervals between their Meetings, and may make any Order or give any Direction, in Cases of pressing Emergency, within the said Prison, which might be

made or given by the said Inspectors; provided that every such Order or Direction shall be in Writing, and shall be reported, with the Circumstances by which the same was occasioned, to the Inspectors at their next Meeting.

Inspectors to be a Body Corporate, with Power to make Contracts.

X. And be it enacted, That the said Inspectors and their Successors in Office shall be a Body Corporate for the Purposes of this Act, and shall sue and be sued by the Name of "The Inspectors of the *Millbank* Prison," and shall have Power in that Capacity to make Contracts with any Persons whomsoever for the Clothing, Diet, and other Necessaries required for the Use of such Prison, and for all Repairs, Alterations, and Additions thereto, and for the Implements and Materials for any Kind of Manufacture or Trade in which Convicts confined in such Prison shall be employed, and also to carry on such Manufacture or Trade in such Prison, and to sell such Goods, Wares, and Merchandize as shall there be wrought or manufactured.

Inspectors to report to the Secretary of State.

XI. And be it enacted, That the said Inspectors shall, on or before the Tenth Day of *March* in each Year, and oftener if required by One of Her Majesty's Principal Secretaries of State, make Reports in Writing, under the Hands of Two or more of them, to the Secretary of State, specifying the State of the Buildings, the Behaviour and Conduct of the Officers of the Prison and of the Convicts, and the Expence of such Prison, and such other Matters relating to the Discipline and Management of such Prison as they shall deem expedient, or as the Secretary of State shall direct; and every such Report shall be laid before both Houses of Parliament within One Calendar Month next after the Receipt thereof if Parliament shall be then sitting, or if not, then within One Calendar Month after the then next Meeting of Parliament.

Reports to be laid before Parliament.

Offenders under Sentence of Transportation may be removed to the Millbank Prison.

XII. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct the Removal to the *Millbank* Prison of any Convict under Sentence or Order of Transportation, who, having been examined by an experienced Medical Officer, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol, Prison, or Place in which such Offender shall be confined; and the Sheriff or Gaoler having the Custody of any Convict whose Removal to the *Millbank* Prison shall be ordered in manner aforesaid shall, with all convenient Speed after the Receipt of any such Order, convey or cause to be conveyed every such Convict to the said Prison, and, if upon Examination by a Medical Officer of the *Millbank* Prison he or she shall appear fit to be received into the Prison, shall there deliver him or her into the Custody of the Governor of the *Millbank* Prison, with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court by which such Convict was sentenced, containing the Sentence of every such Convict by virtue of which he or she

shall be in the Custody of such Sheriff or Gaoler, and also a Certificate specifying such Particulars within the Knowledge of the Sheriff or Gaoler concerning such Convict as may be from Time to Time directed by One of Her Majesty's Principal Secretaries of State; and the Governor of the *Millbank* Prison shall give a Receipt in Writing for every Convict received into his Custody to the Sheriff or Gaoler for his Discharge; and all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place for which the Court in which the Offender shall be convicted shall have been holden.

Reception of Convicts.

XIII. And be it enacted, That when any Convict who shall be ordered to be confined in the said Prison shall be brought thither in pursuance of the Powers contained in this Act, he or she shall continue in the Custody of the Person in whose Custody he or she shall have been brought to the Prison until he or she shall have been examined by a Medical Officer of the said Prison, and until it be certified by such Medical Officer that he or she is fit to be received into the Prison; and if the Medical Officer shall certify that he or she is not fit to be received there, he or she may be conveyed back, in the same Custody, to the Prison or Place of Confinement from which he or she was brought.

Terms of Imprisonment.

XIV. And be it enacted, That every Convict in the Custody of the Governor of the *Millbank* Prison shall continue there until he or she shall be transported according to Law, or conditionally pardoned, or shall become entitled to his or her Freedom, or until the Secretary of State shall direct the Removal of such Convict to any other Prison or Place of Confinement in which he or she may be lawfully imprisoned: Provided always, that every such Convict shall nevertheless be within the Provisions of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, in case One of Her Majesty's Principal Secretaries of State shall direct that he or she shall be afterwards removed from the *Millbank* Prison, as herein provided.

5 G. 4. c. 84.

Discharge of Convicts.

XV. And be it enacted, That no Convict in the Custody of the Governor of the *Millbank* Prison shall be dismissed from the said Prison, at the End or other Determination of his or her Term, if he or she shall then labour under any acute or dangerous Distemper, unless at his or her Request; and when such Convict shall be finally discharged, such decent Clothing and such Assistance in Money or otherwise as shall be judged proper by One of Her Majesty's Principal Secretaries of State shall be given to such Convict.

Hours of Work.

XVI. And be it enacted, That such Convicts may be employed in Work at the said Prison every Day in the Year, except *Sundays*, *Christmas*

Christmas Day, *Good Friday*, and any Day appointed for a General Fast or Thanksgiving, so many Hours, not exceeding Twelve, exclusive of the Time allowed for Meals and Exercise, as the Inspectors shall order: Provided always, that the said Inspectors, by a written Order, may allow any Convict, at his or her own Request, to labour for a longer Time than is required by the Rules of the Prison.

None but privileged Persons and Officers to enter any of the Apartments of the Prison.

XVII. And be it enacted, That no Person, except the Bishop of the Diocese of *London*, the Judges of Her Majesty's Superior Courts of Law at *Westminster*, Her Majesty's Principal Secretaries of State, and the Inspectors, Officers, and Servants of the Prison, or such Persons as shall be authorized according to the Rules made by the said Inspectors, shall be allowed at any Time to enter any Part of the Prison or Airing Yards allotted to or used by the Prisoners, or to converse or hold Communication of any Kind with any of them.

Governor to have the same Power over Prisoners in his Custody as a Sheriff or Gaoler.

XVIII. And be it enacted, That the Governor of the *Millbank* Prison, or other Person having the Custody of Convicts under his Direction, shall, during the Term for which such Convicts shall be in his Custody, have the same Powers over such Convicts as are incident to the Office of Sheriff or Gaoler, and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment to which a Gaoler is liable by Law.

Convicts Punishment for assaulting Governor or other Officers.

XIX. And be it enacted, That if any Convict in the *Millbank* Prison shall assault the Governor or any Officer or Servant employed therein, the Commissioners may order him or her to be prosecuted for the said Offence, and upon Conviction thereof such Convict shall be liable to be imprisoned for any Term not exceeding Two Years, in addition to the Term for which at the Time of committing such Offence he or she was subject to be confined, and, if a Male, shall also be liable to corporal Punishment, if the Court shall so order.

Convicts may be removed from the Prison as incorrigible.

XX. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State at any Time to order any Convict to be removed from the *Millbank* Prison as incorrigible; and in every such Case the Convict so removed shall be liable to be transported under his or her original Sentence of Transportation, to the full Extent of the Term specified in such Sentence, and shall be liable to all the Consequences of such Sentence in the same Manner as if no Order for sending him or her to the *Millbank* Prison had been made.

Insane Convicts to be removed to Lunatic Asylums.

XXI. And be it enacted, That if any Convict in the said Prison shall become or be found to be insane during such Confinement upon the Certificate of Two Physicians or Surgeons, and shall be so reported by the Inspectors to One of Her Majesty's Principal Secretaries

taries of State, it shall be lawful for such Secretary of State, by Warrant under his Hand, to order that such insane Convict shall be forthwith removed to such Lunatic Asylum as the said Secretary of State may judge proper; and every Convict so removed shall remain under Confinement in such Asylum, or in any other Lunatic Asylum to which such Convict may be lawfully removed, until it shall be duly certified to One of Her Majesty's Principal Secretaries of State by Two Physicians or Surgeons that such Convict has become of sound Mind, whereupon, if the Time for which such Convict was sentenced to be imprisoned shall not have expired, the Secretary of State shall be authorized to issue his Warrant to the Governor or other Person having the Care of such Asylum, ordering that such Convict be remanded to the *Millbank* Prison, or, if the Period of Imprisonment of such Convict shall have expired, that he or she be discharged.

Punishment of Convicts for breaking Prison.

XXII. And be it enacted, That every Convict in the *Millbank* Prison who at any Time during the Term of his or her Imprisonment shall break Prison, or who, while being conveyed to such Prison, shall escape from the Person or Persons having the lawful Custody of such Convict, shall be punished by an Addition not exceeding Three Years to the Term of his or her Imprisonment, and if afterwards convicted of a Second Escape or Breach of Prison shall be adjudged guilty of Felony; and every Convict in the *Millbank* Prison who at any Time during the Term of his Imprisonment shall attempt to break Prison, or who shall forcibly break out of his or her Cell, or make any Breach therein with Intent to escape therefrom, shall be punished by an Addition not exceeding Twelve Calendar Months to the Term of his or her Imprisonment.

Punishment of Persons rescuing or assisting the Rescue of Prisoners.

XXIII. And be it enacted, That every Person who shall rescue any Convict either during the Time of his or her Conveyance to or from the said Prison or of his or her Imprisonment therein, and also every Person who shall aid in any such Rescue, shall be guilty of Felony; and every Person having the Custody of any such Convict as aforesaid, or being employed by the Person having such Custody as a Keeper, Under-keeper, Turnkey, Assistant, or Guard, who shall knowingly and wilfully allow such Convict to escape, and also every Person who, by supplying Arms, Tools, or Instruments of Disguise, or otherwise, shall in any Manner aid any such Convict in any Escape, though no Escape be actually made, and every Person who shall attempt to rescue any such Convict or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody as aforesaid who shall carelessly allow any such Convict to escape shall be guilty of a Misdemeanor, and being lawfully convicted of such Misdemeanor shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

XXIV. And

Punishing Officers, &c. for furnishing Convicts with prohibited Articles.

XXIV. And be it enacted, That every Officer or Servant of the *Millbank* Prison who shall bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such Convict, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles whatsoever not allowed by the Rules of the Prison, shall be forthwith suspended from his or her Office by the Governor of the Prison, who shall report the Offence to the Inspectors at their next Meeting, and the Inspectors shall inquire thereof upon Oath, which they shall be empowered to administer, and upon Proof of the Offence shall dismiss such Officer or Servant, and may also, if they shall think fit, cause the Offender to be apprehended and carried before a Justice of the Peace, who shall be empowered to hear and determine any such Offence in a summary Way; and every such Officer or Servant, upon Conviction of such Offence before a Justice of the Peace, shall be liable to pay a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justice, to be imprisoned in the Common Gaol or House of Correction, there to be kept, with or without hard Labour, for any Time not exceeding Six Calendar Months.

Penalty for false Evidence.

XXV. And be it declared and enacted, That every Person who upon Examination on Oath or Affirmation before the said Inspectors shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Mode of Trial and Conviction.

XXVI. And be it enacted, That every Convict or other Person who shall commit any Offence mentioned in this Act or in any Way relating to the *Millbank* Prison, for which he or she is not liable to be summarily convicted, may be tried before the Justices of Oyer and Terminer either at the Central Criminal Court or for the County in which the Offender shall be taken; and in any Case of any Prosecution for any such Offence either against a Convict or against any other Person or Persons concerned therein or accessory thereunto, a Copy, properly attested, of the Order of Commitment to such Prison, with Proof that the Person then in question before the Court is the same who was delivered with such Order, and Production of the Register of the said Prison, shall be sufficient Evidence of all the Facts entered in such Register as to such Convict, without the Production of any Record or Conviction or other Proof that such Convict had been convicted of Felony, and legally ordered to be imprisoned in the *Millbank* Prison.

Expences of executing this Act.

XXVII. And be it enacted, That an Account of the Expences of carrying this Act into execution shall be annually laid before both Houses of Parliament, and shall be provided for by Parliament.

Protection of Inspectors and Governor.

XXVIII. And be it enacted, That the Provisions of all Acts of Parliament now or which at any Time hereafter shall be in force for rendering

rendering Justices of the Peace safe in the Execution of their Offices, shall extend to the said Inspectors and to the Governor of the *Millbank* Prison.

Limitation of Actions.

XXIX. And be it enacted, That all Suits and Prosecutions to be commenced by any Person or Persons for any thing done in pursuance of this Act shall be laid or tried in the County or Place where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise.

Act may be altered this Session.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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CAP. XXVII.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-four, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-three.

[4th *July* 1843.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*,

Duties imposed by 6 & 7 W. 4. c. 26. and 3 & 4 Vict. c. 17. continued till 5th July 1844.

six, and by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be further continued until the Fifth Day of *July* One thousand eight hundred and forty-four.

Collection of the Duties.

II. And be it enacted, That the Duties hereby continued shall be collected, paid, and accounted for in such and the like Manner as if the said Duties had been continued to the Fifth Day of *July* One thousand eight hundred and forty-four by the said first-recited Act.

Bounties on certain Descriptions of refined Sugar. 3 & 4 W. 4. c. 58. 1 & 2 Vict. c. 33.

III. And be it enacted, That the respective Bounties now payable on Sugar by an Act passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight*, shall continue to be allowed and paid so long as the Duties on the Importation of Sugar imposed by the said first-recited Act shall remain in force or be further continued by any Act hereafter to be passed.

Her Majesty may allow the Importation of Sugar the Growth of certain British Possessions at the lower Rate of Duty.

IV. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that the Importation of Foreign Sugar into any *British* Possession within the Limits of the *East India* Company's Charter is prohibited, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, or by Her Majesty's Order in Council to be published from Time to Time in the *London Gazette*, to allow the Importation of Sugar the Growth of any such *British* Possession at the lower Rate of Duty in the said first-recited Act specified, in like Manner and under the same Restrictions and Conditions as Sugar the Growth of the Presidency of *Fort William* in *Bengal* may be imported subject to a lower Rate of Duty under the Provisions of the said first-recited Act.

Separate Accounts to be kept in the Exchequer of the Duties arising in Great Britain.

V. And be it enacted, That a distinct and separate Account shall be kept in the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster* of all the Money that shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England* from so much of the said Duties hereby granted on Sugar as shall arise and be payable in *Great Britain*; and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer in *Ireland*, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Duties arising in Ireland to be paid into the Exchequer there.

VI. And

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l.*

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, at any Time or Times, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the last Session of Parliament, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

Powers of Acts extended to this Act.

VII. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts passed in the Forty-eighth Year of the Reign of King *George* the Third, and in the Fourth and Fifth Years of the Reign of His said late Majesty, and in the last Session of Parliament, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills to bear an Interest.

VIII. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

IX. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, by placing to the Account of Her Majesty's Exchequer at the Bank of *England*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bills to be delivered to the Bank of England as Security for Advances.

X. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for the Advance or Advances which may be made to Her Majesty by the

the said Governor and Company of the Bank of *England* under the Authority of this Act.

Exchequer Bills to be charged on the Duties granted by this Act.

XI. And be it enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Duties granted by this Act; and it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time to direct to be issued to the Paymasters of Exchequer Bills, by way of Imprest and upon Account, such Sums of Money and at such Periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills or any of them.

Money due to be paid out of next Aids.

XII. And be it enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the Fifth Day of *July* One thousand eight hundred and forty-four.

Surplus Monies to be carried to Consolidated Fund.

XIII. And be it enacted, That the Surplus of the Monies arising from the Duties granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, shall, as a Surplus of any such Monies respectively, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Treasury to allow necessary Charges of making forth new Exchequer Bills.

XIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay and allow, or cause to be paid and allowed, out of the Monies to arise of or from the said Duties hereby granted, or of or from the said Consolidated Fund, from Time to Time, the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident to or for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

Monies issued to be replaced out of first Supplies.

XV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament; any thing herein contained to the contrary notwithstanding.

Act may be amended this Session.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Ireland, being otherwise qualified, to take and subscribe the said Oath previous to voting at the Election of Members to serve in Parliament, and great Diversity of Practice has prevailed in this respect: And whereas it is expedient that such Doubts should be removed; be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Person professing the Roman Catholic Religion in *Ireland*, being otherwise qualified, shall be required to take the said Oath previous to voting at the Election of Members to serve in Parliament, and that Her Majesty's Roman Catholic Subjects shall be admitted to vote at such Elections on the same Conditions and on the taking of the same Oaths as are by Law required to be taken at Elections by Her Majesty's Protestant Subjects in that Part of the United Kingdom.

Roman Catholics not to be required at Elections to take the Oath required by 10 G. 4. c. 7.

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CAP. XXIX.

An Act for reducing the Duty on Wheat and Wheat Flour, the Produce of the Province of *Canada*, imported thence into the United Kingdom.

[12th *July* 1843.]

WHEREAS on the Twelfth Day of *October* One thousand eight hundred and forty-two an Act was passed by the Legislative Council and Legislative Assembly of the Province of *Canada*, and reserved by the Governor General for the Signification of Her Majesty's Pleasure, imposing a Duty of Three Shillings Sterling Money of *Great Britain* on each Imperial Quarter of Wheat imported into *Canada*, except from the United Kingdom or any of Her Majesty's Possessions, and being the Growth and Produce thereof: And whereas it is recited in the said Act that it was passed in the confident Belief and Expectation that upon the Imposition of a Duty upon Foreign Wheat imported into the Province Her Majesty would be graciously pleased to recommend to Parliament the Removal or Reduction of the Duties on Wheat and Wheat Flour imported into the said United Kingdom from *Canada*: And whereas, in consideration of the Duty so imposed by the said Act of the Legislature of *Canada*, it is expedient that, if Her Majesty shall be pleased to give Her Sanction to the said Act, the Duties

5 & 6 Vict. c. 14.

imposed by an Act made and passed in the last Session of Parliament, intituled *An Act to amend the Laws for the Importation of Corn*, upon Wheat and Wheat Flour, the Produce of and imported from the Province of *Canada*, entered for Home Consumption in the United Kingdom, should be reduced as herein-after is mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and forty-three, and thenceforth during the Continuance of the Duty so imposed by the said Act of the Legislature of *Canada* as aforesaid, there shall be levied and paid upon all Wheat and Wheat Flour, the Produce of the said Province of *Canada*, which shall be imported thence into the United Kingdom after the said Tenth Day of *October*, and shall be entered for Home Consumption, (the same having been shipped and imported with such Declarations and Certificates as are required in respect thereof in and by the said Act passed in the last Session of Parliament,) in lieu of the Duties charged thereon by the said Act of Parliament, the Duties following; (namely,)

Duties to be levied after the 10th October 1843.

For every Quarter of such Wheat One Shilling, and so in proportion for a less Quantity:

For every Barrel, being One hundred and ninety-six Pounds of such Wheat Flour, a Duty equal in Amount to the Duty which would hereby be payable upon Thirty-eight Gallons and a Half of Wheat, and so in proportion for a less Quantity:

And the said Duties hereby charged shall be levied, collected, paid, and applied in such and the same Manner in all respects as if the same had been imposed by the said Act of Parliament: Provided always, that nothing in this Act contained shall repeal, reduce, or alter the Duties payable under the said Act of Parliament upon Wheat or Wheat Flour, the Produce of *Canada*, which shall be imported into the United Kingdom previous to the said Tenth Day of *October* One thousand eight hundred and forty-three, notwithstanding the same shall not be entered from the Warehouse or otherwise for Home Consumption until after that Day.

Act may be amended.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Conviction before Two Justices, to forfeit 5*l.* and Expences, and in default of Payment to be imprisoned.

the Pound or Place where the same shall be so impounded, or on the Way to or from any such Pound or Place, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, every Person so offending shall, upon Conviction thereof before any Two of Her Majesty's Justices of the Peace, forfeit and pay any Sum not exceeding Five Pounds, together with reasonable Charges and Expences, or in default thereof be committed by such Justices, by Warrant under their Hands and Seals, to the House of Correction of the County wherein the said Offence shall have been committed, there to be kept to hard Labour for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Sum of Money and Costs as aforesaid shall be sooner paid; and it shall be lawful for the said Justices to award the Whole or any Portion of such Penalty to the Person or Persons on whose Behalf such Cattle were distrained.

Justices not to hear Cases where Questions of Title arise, or as to any Bankruptcy, &c.

II. Provided always, and be it enacted, That nothing herein contained shall authorize any Justices of the Peace to hear and determine any Case of Pound-breach or Rescue in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice, or as to the Obligation of maintaining, repairing, or keeping in repair any Wall, Hedge, Paling, Ditch, sunk Fence, or Fence whatsoever.

Summonses may be issued against Offenders, who, on Proof on Oath of One or more Witnesses before Two Justices, shall be convicted in Penalty and Costs.

III. And be it enacted, That it shall and may be lawful to and for any Justice of the Peace, upon Information or Complaint being made upon Oath before him by any Person of any Offence against the Provisions of this Act, to summon the Party accused to appear before any Two Justices of the Peace within whose Jurisdiction the Offence shall have been committed, at a Time and Place to be named in such Summons, and upon the Appearance of such Party, or in his Absence in case he shall not appear according to the Tenor of such Summons, any such Justices before whom such Party shall have been so summoned to appear shall and may (upon Proof of the Service of such Summons) proceed to examine into the Matter, and upon due Proof made of such having been committed, either by Confession of the Party accused or upon the Oath of One or more credible Witness or Witnesses, to give Judgment or convict for the Penalty and Costs (as the Case may be).

Offenders may be apprehended by Warrant of a Justice.

IV. And be it enacted, That every such Justice of the Peace may, without issuing any Summons, forthwith issue his Warrant to any Constable for the Apprehension of any Person charged under this Act, whenever good Grounds for so doing to his Satisfaction shall be stated on Oath before him.

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CAP. XXXI.

An Act to enable the Commissioners of *Chelsea* Hospital to purchase certain Parcels of Land for the Benefit of the said Hospital, and for other Purposes. [12th *July* 1843.]

WHEREAS Colonel *John Drouley* by his Will gave all his Residuary Estate, after Payment of certain Legacies, to be equally divided between the Royal Hospitals of *Chelsea* and *Greenwich*, to be paid to the Treasurers of the said Hospitals, to be applied for the Use and Benefit of the Pensioners of the said respective Hospitals in such Manner as the Governors and Directors thereof should order and direct: And whereas it would tend to the Benefit of the said Hospital at *Chelsea*, and the Pensioners thereof, if certain Lands adjoining the said Hospital were purchased by the Lords and others Commissioners of *Chelsea* Hospital in furtherance of the Objects of the said Colonel *Drouley*'s Will: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Whole or any Part of the Residuary Estate of the said Colonel *John Drouley* belonging to *Chelsea* Hospital shall and may be

Application of Estate of the late

Colonel John Drouley to certain Purchases.

be applied in the Purchase of and Payment for certain Parcels of Land and Buildings adjoining the said Hospital, or for any other Pieces or Parcels of Land or Buildings the Purchase of which may, in the Opinion of the Commissioners of *Chelsea* Hospital, be beneficial to the said Hospital or the Pensioners thereof, or which may be necessary to prevent or remove Annoyance or Injury from the Vicinity of the said Hospital; and the said Pieces or Parcels of Land shall and may be conveyed to and held by the Commissioners of the said Royal Hospital of *Chelsea* for the Time being and their Successors, or conveyed to a Trustee or Trustees on their Behalf, for the Use and Benefit of the said Royal Hospital.

Commissioners empowered to sell or exchange the Lands so purchased for other Lands.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of *Chelsea* Hospital and their Successors, or for any Trustee or Trustees for the said Commissioners by their Direction, signified under the Hand of the Secretary of the said Royal Hospital for the Time being, as and when the said Commissioners from Time to Time may deem expedient, to make sale, alien, and dispose of, or to convey in Exchange for or in lieu of other Lands or Tenements, any Pieces or Parcels of Land so contracted for, or previously purchased with any Part of the Legacy of the said Colonel *Drouley*, which may not, in the Opinion of the said Commissioners, be required for the Use and Benefit of the said Hospital, and the Inheritance thereof, in Fee Simple or otherwise, to any Person or Persons whomsoever, or any Body Politic or Corporate, for such Price or Prices in Money (or for such Equivalent or Recompence in other Land or Tenements) as to the said Commissioners of *Chelsea* Hospital and their Successors shall seem reasonable, and to make and execute all Acts, Deeds, Matters, and Things requisite or necessary for completing any Sale or Exchange to and with any Person or Persons, their Heirs or Assigns, or to and with any Body Politic and Corporate and their Successors as aforesaid, who may purchase or agree to purchase any such Pieces or Parcels of Land or Tenements from the said Commissioners of *Chelsea* Hospital, and to give full, complete, and sufficient Receipts, Releases, and Discharges for the Purchase Money thereof.

Commissioners empowered to grant Leases.

III. And be it enacted, That it shall be lawful for the Commissioners of *Chelsea* Hospital and their Successors, and for any Trustee or Trustees of the said Lands and Tenements, by their Direction, signified as aforesaid, from Time to Time and at all Times hereafter, in such Manner as they shall deem expedient, to grant Leases of all or any of the Pieces or Parcels of Land so contracted for, or heretofore purchased with any Portion of the Legacy of the said Colonel *Drouley*, unto any Person or Persons, for any Term or Number of Years not exceeding Twenty-one Years for any such Lease, unless the same be a building or repairing Lease, and not exceeding Eighty Years for any such building or repairing Lease, and to take effect in Possession only, and not in Reversion or by way of future Interest, and so as in all such Leases there be respectively reserved and made payable during the Continuance thereof the best yearly Rent or Rents which can be reasonably

obtained for the same, without taking any Fine, Premium, or Foregift for the making thereof, and so as in every such Demise and Lease there be contained a Condition of Re-entry for Nonpayment of the Rent thereby reserved, and so as the respective Lessees duly execute Counterparts of their said Leases respectively.

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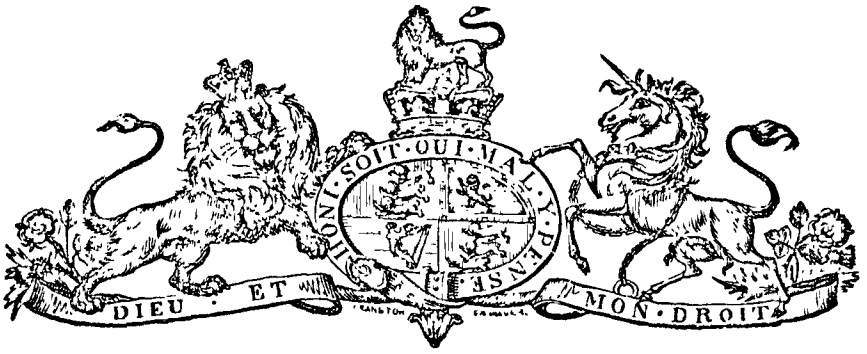

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CAP. XXXII.

An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in *Ireland*. [12th *July* 1843.]

WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it was enacted, that the Boundaries of the several Boroughs named in Schedule (A.) to that Act annexed should, for the Purposes of that Act, be taken to be according to the Description of such Boundaries set forth in Schedule (C.) to that Act annexed; and by another Act passed in the same Session of Parliament, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property, in* Ireland, it was enacted, that, for the Purposes of the said first-recited Act, and of that Act, all Places locally situate or included within the Boundaries of any of the Boroughs of *Cork*, *Dublin*, *Kilkenny*, *Limerick*, *Waterford*, and *Drogheda*, as defined under the said first-recited Act, should, from and after the Time when the said Act secondly above mentioned should come into operation, be deemed and taken to be Part or Parts of the County of the City or County of the Town of such

3 & 4 Vict. c. 108. s. 20.

3 & 4 Vict. c. 109.

Borough respectively, and of no other County; and every Portion, Place, or Precinct of every County of a City or County of a Town not under the said Acts included within any such Borough should, until Provision in that Behalf should be otherwise made under and by virtue of the said last-mentioned Act, be one Barony in itself, and should, for all Purposes of Grand Jury Presentments and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, be Part of the County at large which was adjacent to it, or with which it had the largest common Boundary: And whereas under the said recited Acts certain Parts or Portions of the old Liberties of some of such Counties of Cities and Counties of Towns, and certain Parts of Parishes and other Denominations thereof, are included within the Boundaries of the Counties of such Cities or Towns as defined under the Provisions of the said recited Acts; and other Parts or Portions of the Liberties of the same Cities or Towns, and of such Parishes and other Denominations thereof, not being within such Boundaries, have, for the Purposes of Grand Jury Presentments, among others, become Part of the adjoining Counties: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to enable Grand Juries at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in* Ireland; *and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in* Ireland, it was enacted, that at every Assizes to be holden for any such County of a City or County of a Town in *Ireland*, as in the said Act mentioned, it should be lawful to and for the Grand Jury of such County of a City or Town to present all and every such Sum and Sums as might be lawfully presented pursuant to any Act in force in *Ireland* relating to Grand Jury Presentments, previous to the said Acts coming into operation within each such County of a City or Town respectively; provided that all and every such Sum or Sums when so presented, and all Sums which might be or have been legally added thereto by the Treasurer of such County of a City or County of a Town if the said recited Acts had not passed, and all Sums duly presented at the then last Spring or Summer Assizes, and not theretofore levied, should be assessed, applotted, levied, and raised off such County of a City or Town, as the same is defined under the said recited Acts, without reference to previously existing Exemptions or Compositions for any particular Parish, District, or other Denomination: And whereas an Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland; and by reason of the Provisions contained in the said last-mentioned Act, and in the said several Acts herein-before recited, and also by reason of the Conflict therewith of the Provisions of certain Local Acts in force within some of the Counties of Cities and Counties of Towns to which the Provisions herein-before mentioned of the said several Acts are applicable, it has been found for the most part impracticable to proceed in the Presentment, Assessment, Applotment, and Levy of Grand Jury Cess in Counties of Cities and Counties of Towns in *Ireland*: For Remedy whereof, be it

5 & 6 Vict. c. 77.

6 & 7 W. 4. c. 116.

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Sums to be presented or which shall be re-presented by the Grand Jury at any Assizes in or for any County of a City or County of a Town in *Ireland* herein-before mentioned, except the County of the City of *Dublin*, shall be apportioned, applotted, raised, and levied on and off all Lands, Houses, and Tenements situate within such County of a City or County of a Town, as defined under the said recited Acts of Her present Majesty's Reign, without regard to parochial or other Distinctions or Divisions whatsoever, according to the net annual Value of such Lands, Houses, and Tenements respectively as now or from Time to Time hereafter last valued and rated under the Act or Acts for the Relief of the destitute Poor in *Ireland*; and that all Sums heretofore presented, and for levying which or any Instalment thereof any Warrant may be hereafter issuable, or for levying which or any Instalment thereof any Warrant shall have been issued, provided no Levy or Collection shall have actually taken place thereunder, shall be in like Manner apportioned, applotted, raised, and levied on and off all such Lands, Houses, and Tenements, according to the net annual Value thereof as so rated and valued as aforesaid, and that any previous Applotment according to the Laws now in force of such Sums so wholly uncollected, and any Warrant for the Collection and Levy thereof, shall be quashed: Provided always, that no Church, Chapel, or other Building exclusively dedicated to religious Worship, or exclusively used for the Education of the Poor, nor any Burial Ground or Cemetery, nor any Infirmary, Hospital, Charity School, or other Building used exclusively for charitable Purposes, nor any Building, Land, or Hereditament dedicated to or used for public Purposes, shall be rateable for such Grand Jury Cess, nor any Dwelling House which shall be rated for the Relief of the destitute Poor at or under the annual Value of Five Pounds: Provided also, that nothing herein contained shall extend or be construed to alter or affect the Provisions made by an Act passed in the First and Second Years of Her present Majesty's Reign, intituled *An Act to amend the Laws relating to the Levy of Grand Jury Cess in the County of the City of* Dublin, but that all Sums to be raised by Grand Jury Presentment in the County of the City of *Dublin* and within the Police District of *Dublin* Metropolis shall continue to be apportioned, applotted, and levied as by the said last-recited Act directed, any thing herein contained to the contrary notwithstanding.

Grand Jury Cess in Counties of Cities and Towns shall be applotted off all Lands, &c. therein, without regard to Parochial or other Distinctions or Divisions.

Exemptions.

Nothing herein to affect the Act 1 & 2 Vict. c. 51.

II. Provided also, and be it enacted, That from and after the passing of this Act the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland, *and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate*, shall not be deemed or taken to apply to any County of a City or County of a Town herein-before mentioned.

The Act 6 & 7 W. 4. c. 84. not to apply to Counties of Cities or Towns.

III. And

Treasurers empowered to refer to Rates made for the Relief of the Poor.

III. And be it enacted, That in order to enable the respective Treasurers of the said several Counties of Cities and Counties of Towns, as herein-after directed, to applot such Grand Jury Cess, it shall and may be lawful to and for the Treasurer of each such County of a City or Town for the Time being, and from Time to Time, and at all reasonable Times, to have Access to and inspect any Rate or Rates made for the Relief of the Poor of every Union, any Part of which shall be situate within such County of a City or of a Town, and to cause Copies to be made of such Rate or Rates, or so much thereof as shall relate to such County of a City or of a Town, or any Part thereof; and such Treasurer shall be allowed the Expence of making such Copies in his Accounts with the Grand Jury of such County of a City or of a Town.

Treasurer to applot according to the last Rate made under Poor Relief Act;

IV. And be it enacted, That the Treasurer of each County of a City or County of a Town as aforesaid shall, within One Month after he shall have received from the Clerk of the Crown the Copies of the Presentments made at the next and each succeeding Assizes, applot upon all Lands, Houses, and Tenements within such County of a City or County of a Town chargeable under this Act with Grand Jury Cess the Sums leviable under any Presentments made at such Assizes, or any Sums heretofore presented, and which shall not be re-presented, provided no Levy or Collection thereof shall have taken place under any Warrant previously issued, and all Sums heretofore presented, which, or any Instalment whereof, shall be leviable under any Warrant hereafter issuable, and all Sums which shall be re-presented, and shall applot the same according to the net annual Value of each such House, Tenement, and Portion of Land as contained in the Rate which shall have been then last made in that Behalf for the Relief of the destitute Poor as aforesaid; and shall, within One Week after such Applotment shall have been made, cause to be published in some Newspaper circulating in such County of a City or Town, and cause to be posted at the usual Places for posting Grand Jury Notices in the same, a Notice stating that such Applotment has been made, and that the same will remain, at a Place to be specified in such Notice, open for the Inspection of all Occupiers of Houses, Lands, or Tenements within such County of a City or Town, between the Hours of Eleven in the Forenoon and Four in the Afternoon, for the Space of Fourteen Days from the Date of such Notice; and the said Treasurer shall keep the same at some convenient Place to be so specified in such Notice, and shall allow all such Occupiers applying for that Purpose to inspect the same at all reasonable Times during the said Space of Fourteen Days, and to take Extracts therefrom, without Fee or Charge, and shall give Copies or Extracts of or from the said Applotment to any Person applying for the same, upon being paid for such Copies or Extracts at the Rate of Three-pence for every One hundred or any less Number of Names contained in each such Copy or Extract; and if such Treasurer shall wilfully neglect or refuse to publish and post such Notice, or to keep such Applotment, at such Place and for such Time as aforesaid, or to permit any such Occupier to inspect such Applotment or to make any Extract therefrom, or to furnish such Extract on the Tender of such Sum as aforesaid, he shall,

and to publish Notice that the Applotment has been made, and is open for Inspection.

Penalty for Neglect.

shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum, not exceeding Five Pounds, as the Justices shall think meet, to be levied, in default of Payment, by Warrant of Distress off his Goods and Chattels.

Treasurer to issue his Warrant to Collector of Grand Jury Cess.

V. And be it enacted, That, with all convenient Speed after making such Applotment, the Treasurer of each such County of a City or Town shall issue his Warrant or Warrants, directed to the Person or several Persons who, under the Provisions of the said Act of the Sixth and Seventh Years of the Reign of His late Majesty, shall be Collector or Collectors for levying and collecting the Sums to be raised for Grand Jury Cess off such County of a City or Town; and in every such Warrant shall be specified the Proportion of such Grand Jury Cess which shall be so payable in respect of each House, Tenement, or Portion of Land chargeable therewith, and for which the Person to whom such Warrant shall be directed shall be a Collector, together with the Name of the Occupier or Occupiers thereof, as such Name or Names shall appear upon the aforesaid Rate for the Relief of the destitute Poor; and every Person duly authorized to collect and levy such Grand Jury Cess, as soon as he shall have received any such Warrant, shall collect and levy the same according to such Warrant, and by all the Ways and Means provided by the said Act of the Sixth and Seventh Years of His late Majesty's Reign, for the Collection or Levy of Grand Jury Cess; and all the Provisions of the said last-mentioned Act with reference to the Collection, Levy, or Recovery of Grand Jury Cess shall apply to all Sums so specified in such Warrant or Warrants, and all Arrears thereof, as if the same were hereby specially re-enacted, or as if such Sums were applotted in pursuance of the said last-mentioned Act.

Collectors to levy such Cess.

Provisions of the Act of 6 & 7 W. 4. to apply thereto.

Appeal against Applotment.

VI. And be it enacted, That if any Person shall find himself aggrieved by any Applotment made under this Act, or shall object to any Person being put in or left out of such Applotment, or to the Sum charged on any Person therein, it shall be lawful for such Person so aggrieved or objecting to appeal to the General Sessions of the Peace or Adjournment thereof to be held for the same County of a City or of a Town, or if there be none holden therein, then to the General Sessions of the Peace to be held for any County at large next adjoining thereto, next after the Date of such Notice of Applotment so to be published by such Treasurer: Provided always, that no such Appeal shall be made on the ground of any Premises having been overvalued or undervalued in the Rate and Valuation made for the Purposes of the said Acts for the Relief of the Poor in *Ireland*: Provided also, that if such Sessions shall be held before the Expiration of One Calendar Month next after the Date of such Notice, then such Appeal may be made to the next following Sessions.

Recorder or Assistant Barrister may determine the Ap-

VII. And be it enacted, That the Recorder of the Borough, or the Assistant Barrister or Justices of the County at the Sessions to which such Appeal shall be brought, is and are hereby empowered to

peal, and amend the Applotment, or may quash the same, and order a new Applotment.

to hear and finally determine the Matter of such Appeal, and to make such Order therein as to him or them shall seem meet, which Order shall be final and conclusive upon all Parties, and, in case of any Appeal against any Applotment as aforesaid, to order the Name of any Person interested or concerned in the Event of such Appeal, and having had Notice thereof as herein provided, to be inserted in such Applotment, and to be applotted at such Sum or Sums of Money, or to order the Name of any such Person to be struck out of such Applotment, or the Sum or Sums at which any such Person is applotted therein to be altered, as the Recorder or Assistant Barrister or Justices shall think right; and such Recorder or Assistant Barrister, or some proper Officer of the Court, shall forthwith add to or alter the Applotment accordingly; and it shall be lawful for such Recorder or Assistant Barrister or Justices to order that any Warrant of such Treasurer shall be amended, or that a new Warrant shall be issued according to such Directions as such Recorder or Assistant Barrister or Justices shall give in that Behalf, and such Warrant shall be amended or such new Warrant shall be issued by such Treasurer accordingly; and such amended or new Warrant shall, as to all Houses, Tenements, and Portions of Land in respect of which the Amount chargeable according to such amended or new Warrant shall not have been then paid or levied, or so far as any Sums therein mentioned, or any Part thereof, shall be unpaid, have the Force and Effect of any original Warrant issued under this Act as aforesaid: Provided always, that the said Recorder or Assistant Barrister or Justices to whom such Appeal shall be made shall not examine or inquire into any other Cause or Ground of Appeal than such as is stated and specified in the Notice of Appeal, nor alter any such Rate with respect to any other Person or Persons, Matter or Matters, than shall be mentioned and specified in the Notice of Appeal; but if upon an Appeal from the whole of any Applotment it shall be found necessary to quash or set aside the same, then the said Recorder or Assistant Barrister or Justices shall quash the same, and shall in that Case order the Treasurer to make a new Applotment, and such Treasurer is hereby required to make the same, and to issue new Warrants accordingly.

If Applotment be decreased, the Amount overpaid to be returned.

VIII. And be it enacted, That if upon the hearing of any Appeal from any Applotment made under this Act the said Recorder or Assistant Barrister or Justices shall order the Name of any Person to be struck out of such Applotment, or the Sum or Sums applotted on any Person to be decreased or lowered, and if it shall be made appear to the said Recorder or Assistant Barrister or Justices that such Person hath, previously to the hearing of such Appeal, paid any Sum or Sums of Money, in consequence of such Applotment, with which he ought not to have been charged, then and in every such Case the said Recorder or Assistant Barrister or Justices shall order all and every such Sum and Sums of Money to be repaid by the said Treasurer, together with all reasonable Costs, Charges, and Expences occasioned by such Person having been required to pay the same; and the Amount so to be repaid by such Treasurer shall be allowed him in his Account with the Grand Jury of the County of the City or Town, as the Case may be.

IX. And

Fourteen Days Notice of Appeal to be given.

IX. And be it enacted, That the Person so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Treasurer of the County of the City or of the Town for the Time being; and if any Person shall appeal against any Applotment because any other Person is applotted or omitted to be applotted therein, or because any other Person is rated therein at any greater or less Sum than his, her, or their due Proportion of such Grand Jury Cess, or for any other Cause that shall require any Alteration to be made in such Applotment with respect to any other Person, then and in every such Case the Person so appealing shall give such Notice of Appeal as aforesaid, not only to the Treasurer, but also to every other Person so interested or concerned in the Event of such Appeal; and every such other Person shall, if he shall desire, be heard upon such Appeal.

Cess to be paid and levied as if no Appeal made.

X. Provided always, and be it enacted, That, notwithstanding any such Appeal or Notice thereof, every Sum specified in such Warrant shall be payable, and shall and may be levied, sued for, and recovered, as if no Appeal had been made, until or unless such Warrant shall be quashed or amended.

Recognizance to be entered into on Appeal.

XI. And be it enacted, That within Five Days after Notice shall be given of Appeal the Appellant shall enter into a Recognizance before some Justice of the Peace having Jurisdiction in the County of the City or of the Town, with sufficient Securities, conditioned to prosecute such Appeal at the proper Sessions of the Peace in that Behalf, and to abide the Order of and pay such Costs as shall be awarded by the Recorder or Assistant Barrister or Justices at such Sessions.

Justices may award Costs in certain Cases.

XII. And be it enacted, That such Recorder, Assistant Barrister, or Justices, upon hearing and finally determining the Matter of any Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Treasurer to collect Cess if there be no Collector duly appointed.

XIII. And be it enacted, That if at any Time there shall be no Person duly appointed a Collector of Grand Jury Cess in any County of a City or County of a Town pursuant to the Laws now in force, it shall be lawful for the Treasurer of such County of a City or County of a Town, and he is hereby required, to collect such Cess; and it shall be lawful for him to appoint, by Writing under his Hand and Seal, One or more Persons, for whom he shall be answerable, to assist him therein, and he or they shall be entitled to such Poundage as the Grand Jury may think fit, not exceeding Nine-pence in the Pound.

The Council of the Borough of Cork may order a Part

XIV. And whereas Part of the County of the City of *Cork*, as bounded under the Provisions of the herein-before recited Acts of Her present Majesty's Reign, is within the Provisions of a Local Act made

not within the Local Act for lighting, paving, cleansing, and improving the Borough to be included in such Act.

made for lighting, paving, cleansing, and improving thereof, and other Part is not within the Provisions of such Local Act, but, is nevertheless, under the said recited Act passed in the last Session of Parliament, liable to contribute to the Payment of the Money to be raised for lighting, paving, cleansing, and improving the Portion of such County within the Provisions of such Local Act; be it therefore enacted, That it shall be lawful for the Council of the said Borough of *Cork* to make an Order that the Part of such Borough not within the Provisions of such Local Act shall, from and after a certain Day to be named in such Order, be taken to be within the Provisions of such Local Act for lighting, paving, cleansing, and improving such Borough; and after such Day such Part as aforesaid shall be within the Provisions of such Act, as fully as if such Part had been originally named in such Act, any thing in such Act contained to the contrary notwithstanding: Provided always, that the additional Rates to be raised off such County of the City of *Cork*, for the Purpose of defraying the Expences of lighting such Part, shall not exceed the average Expence *per* Lamp of lighting the other Parts of the County of the City of *Cork*; and that the additional Rate to be raised off the said County of the City of *Cork*, for paving, cleansing, and improving the Part so to be included, shall not exceed the Rate *per* Square Yard of Highway now chargeable, under the said Act, within the Part of such County now within the Provisions of the said Act: Provided also, that all such Sums as by the Provisions of the said Act the Treasurer of the said County of the City of *Cork* is authorized and required to add, under the Order of the Commissioners for carrying into effect the Purposes of the said Local Act, to his Warrant for levying the Sums presented to be raised by the Grand Jury at each Assizes off the County of the said City, and which are by the said Act directed to be levied in like Manner as the Money so presented, shall, for all the Purposes of this Act, be deemed and taken to be Monies duly presented by the Grand Jury.

Amount of Rate for lighting, how limited.

Rate for other Purposes, how limited.

Annual Payment by the Parish of St. Michael, Limerick, to cease in consideration of its becoming liable to Grand Jury Cess. 51 G. 3. c. 104.

XV. And whereas by an Act passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for altering and enlarging the Powers of an Act of the Forty-seventh Year of the Reign of His present Majesty, for paving, cleansing, lighting, and watching the Parish of* Saint Michael *in the Liberties of the City of* Limerick, *and adjoining the said City, and for preventing and removing Nuisances therein*, it was enacted, that in consideration of the Parishioners of *Saint Michael's* Parish, in the Liberties of the City of *Limerick*, not contributing to the Support and Maintenance of the Gaol, House of Industry, and Fever Hospital established in the said City, otherwise than by arcable Assessment, the clear yearly Sum of Five hundred Pounds (*Irish* Currency) should be payable out of the Tax or Cess levied and raised on the Inhabitants of the said Parish of *Saint Michael's*, and paid to the Person duly authorized to receive the Taxes and Contributions for the Support and Maintenance of the said Gaol, House of Industry, and Fever Hospital: And whereas by the joint Operation of the said recited Acts of Her present Majesty's Reign and this Act all Houses, Lands, and Tenements within the said Parish will be liable to Grand Jury Cess, in common with the other

Parts

Parts of the said Borough, and it is therefore reasonable that the said Payment shall cease; be it therefore enacted, That so much of the said last-recited Act as enacts that the said annual Sum of Five hundred Pounds shall be paid as aforesaid out of the Tax or Rate imposed on the Inhabitants of the said Parish of *Saint Michael's* shall be and the same is hereby repealed, without Prejudice, nevertheless, to any Payment heretofore made.

Grand Juries may present for Arrears payable, with Interest, by Instalments.

XVI. And whereas by reason of the Difficulties existing in the Applotment of Grand Jury Cess divers Arrears have accumulated in some of such Counties of Cities and Counties of Towns in *Ireland*: And whereas by the said Act passed in the last Session of Parliament certain Enactments were made for enabling Grand Juries of such Counties of Cities and Counties of Towns to provide for the Levy by Instalments of such Arrears in manner therein specified, but the said Enactments have been insufficient for such Purpose; be it therefore enacted, That it shall and may be lawful to and for the Grand Jury of any such County of a City or County of a Town, at the Summer Assizes of the present Year, or at the next Spring Assizes, if they shall so think fit, to present to be raised off such County of a City or County of a Town the Whole or such Portion of such Arrears as may be necessary for the Payment of Contractors and other Persons, or to re-present any Sums heretofore presented, but remaining uncollected, as they shall think fit, to be raised by so many half-yearly Instalments, not exceeding Twelve in Number, as they may think expedient, with Interest thereupon at a Rate not exceeding Five Pounds *per Centum per Annum*, in manner following; (that is to say,) the first of the said Instalments to be so presented, together with One Half Year's Interest on the whole Sum so to be raised by Instalments, and the other Instalments so to be presented with One Half Year's Interest on the Balance of the whole Sum so to be raised then remaining unpaid; the said Instalments and Interest to be levied off such County of a City or County of a Town half-yearly after each successive Assizes, until the whole shall be levied and collected; and the Treasurer of such County of a City or County of a Town shall and he is hereby required, without further Presentment or Authority in that Behalf, to applot and insert in his Warrant or Warrants, to be from Time to Time issued after each Assizes for the levying of public Money off such County of a City or County of a Town, the Amount of the respective Instalments directed to be raised, with Interest as aforesaid, as the same shall be leviable, in addition to the other Monies to be levied after each Assizes.

Treasurer to insert Sums presented in his Warrant.

Warrants for Sums re-presented as Arrears to be stayed.

XVII. And be it enacted, That if any Warrant shall have been heretofore issued for raising and levying any Sum or Sums of Money, the Levy whereof by Instalment as aforesaid shall be provided for by Presentment under this Act, it shall not be lawful to make any further Levy under such Warrant; and any Person who shall have paid any Sum of Money under any Levy by virtue of such Warrant shall have Credit for the same in any Levy of Grand Jury Cess to which he may be liable, saving and excepting a Levy under a Presentment of irrecoverable Arrears.

Security to Persons willing to advance Money to Treasurer.

XVIII. And be it enacted, That if any Person shall agree with the Treasurer of such County of a City or County of a Town to lend or advance the Amount of the said Instalments of such Arrear, or of any of them, or any Part thereof, for the Use of such County of a City or County of a Town, and shall pay the same into the Bank with which the said Treasurer shall have his public Account as such Treasurer, it shall be lawful for the said Treasurer to give him a Draft upon the said Bank for the Amount of each Instalment which he shall so advance, and which Draft shall be countersigned by the Clerk of the Crown acting for such County of a City or County of a Town, and shall be made payable to the Payee or his Order, at the Time at which such Instalment ought to be paid over to the said Treasurer; and the Person so advancing the Amount of any such Instalment or Part thereof, or the Person entitled to receive the same, shall be paid by the said Treasurer the Interest to become due thereon, as the same shall be received by such Treasurer, until the Sum so advanced shall be paid off and discharged; and the Sums hereby directed to be raised in respect of the said Arrears shall be paid and applied by the said Treasurer in satisfaction of the several Demands to which the Sums so in arrear ought to have been applied in case the same had been collected under his former Warrants, or had been presented.

Debts due to the Exchequer shall have Priority over other Claims on County Rates in Dublin.

XIX. And whereas divers Sums of Money have been advanced from Time to Time from Her Majesty's Exchequer, by the Direction or Authority of the Commissioners of Her Majesty's Treasury, or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for public Purposes of the County of the City of *Dublin*, and the Repayment thereof has been unduly delayed by reason of the Preference given to local Claims over those of Her Majesty's Exchequer; be it therefore enacted, That in all Cases where any Presentment has been or shall hereafter be made, by the Grand Jury of the County of the City of *Dublin*, of any Sum or Sums of Money for the Purpose of repaying any Advance of Money made as aforesaid to such Counties respectively, such Sum so presented or hereafter to be presented shall to all Intents and Purposes whatsoever be a Charge upon all Money, Rates, or Cesses levied or collected for the Purposes of the said County of the City of *Dublin*, in priority and preference to any other Lien, Claim, Charge, or Demand whatsoever upon the same or any Part thereof; and the Amount of any such Sum, so presented as aforesaid for the Purpose of repaying such Advance as aforesaid, shall be paid by the Treasurer of the said County of the City of *Dublin* out of such public Money, Rates, and Cesses as shall be by him received (so far as the same shall extend), when and so soon as the same shall come to his Hands, in priority and preference to any other Lien, Charge, Demand, or Claim upon the same whatsoever; and such Treasurer shall pay over the said Amount in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury shall direct: Provided always, that each half-yearly Sum, Instalment, or Proportion of any Sum so presented or to be presented shall have the same Priority and Preference, and shall be paid in the same Manner, as is

herein-before directed with respect to the entire of such Amount of Money so presented for the Repayment of Advance.

Penalty on Treasurer withholding Monies due to the Exchequer.

XX. And be it enacted, That if in any Case the Treasurer of the County of the City of *Dublin* for the Time being shall neglect or refuse to pay any Sum or Sums of Money presented for the Repayment of Advances made as aforesaid, or any half-yearly Sums or Instalments of such Sum or Sums presented as aforesaid, in priority and preference to any other Lien, Charge, Demand, or Claim whatsoever upon the Money in his Hands, such Treasurer shall for each such Neglect or Refusal forfeit the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Dublin*.

Debt due to the Exchequer by the City of Cork how to be repaid.

XXI. And whereas divers Sums of Money have been from Time to Time advanced from Her Majesty's Exchequer to Boards of Health, for the Support of Constabulary, and for the Repair of Roads, in the County of the City of *Cork*, on which an Arrear has accrued from the said County to Her Majesty's Exchequer, amounting, on or before the First Day of *April* of this present Year One thousand eight hundred and forty-three, to Six thousand six hundred and twenty Pounds Fourteen Shillings and One Penny: Be it therefore enacted, That it shall and may be lawful for the Grand Jury of the said County of the City of *Cork*, at the next Assizes after the passing of this Act, and they are hereby required, to present to be levied off the said County of the City of *Cork* the Sum of Six thousand six hundred and twenty Pounds Fourteen Shillings and One Penny as aforesaid, by such and so many half-yearly Instalments as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall by their Warrant direct; and the Treasurer of the said County of the City of *Cork* shall and he is hereby required to applot and insert any Sum so directed to be levied in his Warrant for raising or levying the Sums presented at the next Assizes, and in like Manner, without further Presentment or Authority in that Behalf, to applot and insert a like Sum in his Warrant for raising or levying the Sums so presented at each succeeding Assizes, until the whole Sum so advanced as aforesaid shall be so raised and levied off the said County of the City of *Cork*, and the same shall be raised and levied accordingly; and the said Treasurer shall pay over the said several Instalments, when and as soon as each of them shall be raised and levied, to such Bank or other Person and in such Manner as the Commissioners of Her Majesty's Treasury shall direct: Provided always, that such Presentment and Payments shall be without Prejudice to the Repayment of such other Advances as may have been made or may be made from Her Majesty's Exchequer, and which are not comprehended in the aforesaid Sum.

Presentment made at last Spring Assizes in Drogheda for Debt due

XXII. And whereas by the said recited Act passed in the last Session of Parliament it was, after reciting that divers Sums of Money had been from Time to Time advanced from Her Majesty's Exchequer for divers public Purposes in the County of the Town of *Drogheda*, amongst other things enacted, that for the Repayment of such

to the Exchequer quashed.

such Advances the Grand Jury of the County of the Town of *Drogheda*, at the next Assizes after the passing of that Act, should present to be levied off the said County of the Town of *Drogheda* such Sum and by such and so many half-yearly Instalments as the Commissioners of Her Majesty's Treasury, or any Three of them, should direct: And whereas, pursuant to the Directions of the said Act, and to the Directions of the said Commissioners of the Treasury, the Grand Jury of the said County of the Town of *Drogheda*, at the Spring Assizes of this present Year, made a Presentment for the Levy off the said County of the Town of *Drogheda* of the Sum of Eight thousand seven hundred and forty-eight Pounds Twelve Shillings and Eleven-pence Halfpenny, by half-yearly Instalments of Four hundred and thirty-seven Pounds Eight Shillings and Eight-pence each: And whereas, by reason of Difficulties in the Applotment of Grand Jury Cess in the said County of the Town of *Drogheda*, the Money so presented remains uncollected, and Doubts have arisen whether a Portion of the Money so presented is properly chargeable on the said County of the Town of *Drogheda*, as now bounded and defined under the Provisions of the herein-before recited Acts of Her present Majesty's Reign; and the Money so presented includes a large Sum originally repayable by Instalments, extending over a long Period of Time, and it is therefore just and reasonable that the Levy thereof shall not be enforced; be it therefore enacted, That the said Presentment so made by the Grand Jury of the said County of the Town of *Drogheda* at the last Spring Assizes, pursuant to the Provisions of the said recited Enactment, and to the Directions of the said Commissioners of Her Majesty's Treasury, shall be quashed, and the same is hereby declared null and void to all Intents and Purposes whatsoever.

Debts due to the Exchequer by Drogheda, how to be repaid.

XXIII. And whereas certain Advances made to the County of the Town of *Drogheda* for building a new Gaol are repayable to Her Majesty's Exchequer by half-yearly Instalments of Fifty-seven Pounds Thirteen Shillings and Ten-pence: And whereas other Advances made to the said County of the Town of *Drogheda* for building a Lunatic Asylum are also repayable to Her Majesty's Exchequer by half-yearly Instalments of Four Pounds Sixteen Shillings and Three-pence: And whereas divers Sums are also due to Her Majesty's Exchequer on account of divers Arrears of the said several half-yearly Instalments heretofore accrued due, and on account of Arrears of Repayments of divers other Advances for public Purposes made from Time to Time to the said County of the Town of *Drogheda* remaining due and unpaid: And whereas it is expedient to provide for the Payment of the said several Debts within a Period of Twelve Years; be it therefore enacted, That the Commissioners of Her Majesty's Treasury shall cause an Account to be taken of the several Sums so due to Her Majesty's Exchequer for Arrears of the said Instalments heretofore accrued due, and for Arrears of Repayments of the other Advances aforesaid remaining due and unpaid, and shall cause a Computation to be made of the present Value of the several Instalments hereafter accruing payable to the Exchequer as aforesaid, calculating the Interest of Money at the Rate of Four Pounds *per Centum per Annum*, and shall add the Amount so found due on such

such Account as aforesaid to the present Value of such Instalments, calculated as aforesaid, and ascertain the Amount of an Annuity for Twelve Years, payable half-yearly in equal Moieties, equivalent, at the Rate of Interest aforesaid, to the gross Amount; and the said Commissioners of the Treasury shall, by Warrant under their Hands, or under the Hands of any Three or more of them, direct the Grand Jury of the County of the Town of *Drogheda* to present the Amount of such Annuity to be levied off the said County of the Town of *Drogheda* by Two equal half-yearly Moieties in each of the Years specified in such Warrant, and which the said Commissioners shall specify therein.

Grand Jury of the Town to present for Amount of Annuity to be raised.

XXIV. And be it enacted, That it shall and may be lawful for the Grand Jury of the said County of the Town of *Drogheda*, at the next Assizes after the passing of this Act, and they are hereby required, to present to be levied off the said County of the Town of *Drogheda*, by equal half-yearly Moieties in each of the Years specified in such Warrant, the Annuity therein specified; and the Treasurer of the said County of the Town of *Drogheda* shall and he is hereby required to applot and insert a Moiety of the Annuity specified in such Warrant in his Warrant for raising or levying the Sums presented at the said next Assizes; and in like Manner, without further Presentment or Authority in that Behalf, to applot and insert a like Sum in his Warrant for raising or levying the Sums presented at each succeeding Assizes, until the said Annuity shall cease to be payable, and the same shall be raised and levied accordingly; and the said Treasurer shall pay over the said several Moieties of the said Annuity, when and as each of them shall be raised and levied, to such Bank or Person and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct: Provided always, that such Presentment and Payments shall be without Prejudice to the Repayment of such other Advances as may have been made or may be made from Her Majesty's Exchequer, and which are not comprehended in the herein-before mentioned Sums.

Debt due by old Part of County of Drogheda, how to be settled.

XXV. And whereas under the said recited Acts certain Parts or Portions of the old County of the Town of *Drogheda* and of the ancient Liberties thereof, and certain Parts of Parishes or other Denominations, are not included within the Boundaries of the County of the Town of *Drogheda* as defined under the said recited Acts, and have, for the Purpose of Grand Jury Presentments among others, become severally Part of the adjoining Counties of *Louth* and *Meath*, and the same may be justly liable to contribute to the Payment of the said Debts, or some of them; be it therefore enacted, That it shall and may be lawful for the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, on the Application of Ten or more Persons liable to the Payment of Grand Jury Cess in the said County of the Town of *Drogheda*, or of the Paymaster of Civil Services in *Ireland*, to appoint, by Writing under his Hand, a Barrister, not having any Interest in the Question, by his Award, to be made in Duplicate, under his Hand and Seal, to assess the Proportion, if any, of the Debt or several Debts so due as aforesaid to Her Majesty's Exchequer, to which any

Place or Precinct not now under the Provisions of the said recited Acts, Part of the said County of the Town of *Drogheda*, for the Purpose of Grand Jury Presentments may be justly liable, and the Proportion of the said half-yearly Instalments which ought to be paid and contributed by such Precinct or Place; and such Arbitrator shall also assess the Costs of such Arbitration, and direct in what Proportion the same shall be paid by such County or any such Precinct or Place, and the same shall be presented accordingly by the respective Grand Juries; and the Proportion, if any, of the said half-yearly Instalments of the said Annuity assessed by such Award on each such Precinct or Place shall, from Time to Time during the Continuance of such Annuity, be applotted, raised, and levied on and off such Precinct or Place as if the same had been duly presented by Warrant of the Treasurer of the County whereunto such Place or Precinct may be now annexed, and be by him paid over, when and as the same shall be raised and levied, to such Bank or Person and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct; and the half-yearly Instalments of the said Annuity leviable off the said County of the Town of *Drogheda* as at present defined shall be *pro tanto* reduced; and such Award to be made as aforesaid shall be conclusive, and shall be sufficient Authority to the respective Treasurers for the Levy of the Sums therein specified.

Interpretation of Act.

XXVI. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Masculine Gender shall be applied to a Female as well as a Male, unless there be something in the Subject or Context repugnant to such Construction respectively.

Act may be amended, &c.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO SEXTO & SEPTIMO

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CAP. XXXIII.

An Act to repeal so much of an Act of the First Year of King *George* the First as limits the Time for taking and being restrained from taking Salmon in certain Rivers; and to amend and extend the Provisions of an Act of the Fifty-eighth Year of King *George* the Third to the Rivers therein mentioned. [28th *July* 1843.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for giving Leave to import Lobsters in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers of that Part of this Kingdom called* England, in which it is amongst other things recited, that the several Acts of Parliament theretofore made for the Preservation of Fishing within the Rivers of this Realm have hitherto proved ineffectual in respect to the Rivers *Severn*, *Dee*, *Wye*, *Teame*, *Were*, *Tees*, *Ribble*, *Mersey*, *Dun*, *Air*, *Ouse*, *Swaile*, *Calder*, *Wharfe*, *Eure*, *Derwent*, and *Trent*, for Want of a due Encouragement to be given to such Persons who could 1 G. 1. c. 18.

could discover the many illegal Practices and Abuses done therein, and by reason of the Dilatoriness and Expensiveness of the Suits and Proceedings directed by the said Acts for punishing such Abuses; wherefore, for Remedy thereof, and for the better securing the Spawn, Fry, and Breed of Salmon in the said Rivers, it was among other things enacted, that if any Person or Persons whatsoever should at any Time thereafter, between the last Day of *July* and the Twelfth Day of *November*, for ever, by or with any Net, Device, Engine, Ways or Means whatsoever, take, kill, destroy, or wilfully hurt any Salmon of any Kind or Size whatsoever in the said Rivers, every Person so offending in any of the said Cases who should be convicted thereof before any Justice or Justices of the Peace of the County wherein the said Offence should be committed, either upon View of such Justice or Justices, by Confession of such Offender, or by One or more credible Witness or Witnesses upon Oath (which Oath every such Justice of the Peace was thereby empowered to administer), should forfeit the Sum of Five Pounds for every such Offence, besides the Fish so taken, and the Nets, Engines, and Devices used in doing or committing the same; one Moiety of the said Sum to be paid to the Informer or Informers, and the other Moiety thereof to the Poor of the Parish where the said Offence should be committed, to be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of the Justice or Justices of the Peace before whom he should be convicted as aforesaid, rendering the Overplus, if any be, over and above the Charges of the Distress, to the Person so distrained; and for Want of such Distress, the Offender should be committed to the House of Correction or other County Gaol or Prison for any Time not exceeding Three Months nor less than One Month, there to be kept to hard Labour and suffer such other corporal Punishment as the said Justice or Justices, upon Consideration of the Circumstances of such Offence, should think fit; and the said Justice or Justices of the Peace before whom the Person so offending should be convicted should order such Nets, Engines, and Devices made use of in taking such Fish to be seized and immediately cut in Pieces or otherwise destroyed in his or their Presence: And whereas it is expedient to repeal the said recited Provision of the said Act so far as concerns the Days between which Salmon of any Kind or Size are not to be taken, killed, or destroyed, or wilfully hurt, in the said Rivers, and to extend to all the aforesaid Rivers the Provisions of the said Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for preventing the Destruction of the Breed of Salmon, and Fish of the Salmon Kind, in the Rivers of* England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said First-mentioned Act passed in the First Year of the Reign of King *George* the First as is herein before recited shall, so far as concerns the Days between which Salmon of any Kind or Size are not to be taken, killed, or destroyed, or wilfully hurt, in the said Rivers, and the Penalties therein contained, so far only as they relate to the Offence herein mentioned, be and the same is hereby repealed.

58 G. 3. c. 43.

Repeal of so much of 1 G. 1. c. 18. as fixes Fence Days.

II. And

Provisions of 58 G. 3. c. 43. extended to Rivers mentioned in 1 G. 1. c. 18.

II. And be it enacted, That all the Provisions of the said Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for preventing the Destruction of the Breed of Salmon, and Fish of Salmon Kind, in the Rivers in* England, shall, from and immediately after the passing of this Act, be extended to and the same are hereby extended to all and each of the said Rivers herein-before mentioned, and the Waters communicating therewith respectively, as fully and effectually as if the said Rivers had been expressly mentioned in the said last-mentioned Act, and as if no Provision had been made by any Act in force at the Time of the passing of the said last-mentioned Act for limiting the Time within which it should be lawful to take Salmon, or Fish of the Salmon Kind, in any of the said Rivers.

Mode of fixing Fence Days as to Parts of Rivers between or forming Boundary of Two adjoining Counties.

III. And whereas it is expedient to make Provision for more effectually fixing the Days for being restrained from taking Salmon, commonly called "Fence Days," in such Parts of any River as may run between or form the Boundary of Two adjoining Counties; be it therefore enacted, That wheresoever the Course of any of the herein-before mentioned Rivers, or of any Rivers to which the Provisions of the said recited Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third now apply, shall run between or form the Boundary of Two adjoining Counties, it shall be lawful for the Justices of the Peace acting for either of such Counties, at their Quarter Sessions of the Peace, upon the Refusal or Neglect of the Justices of the Peace acting for such other adjoining County to fix certain Days, according to the Provisions of the said last-mentioned Act, to be Fence Days for such Part of any such River, themselves to fix certain Days as Fence Days, during which it shall not be lawful for any Person or Persons whatsoever to take, kill, or destroy, or attempt to take, kill, or destroy, any Salmon, Salmon Trout, or Fish of the Salmon Kind, or any Brood, Spawn, or Fry of such Fish, in any Portion of such River as runs between or forms the Boundary of such Two Counties.

If Justices of any such Two Counties cannot agree, the Justices of next adjoining County to fix the Days.

IV. And be it enacted, That in case the Justices of the Peace acting for such Two adjoining Counties should not fix the same Days as Fence Days for such Part of any River as runs between or forms the Boundary of the Two Counties, the Clerk of the Peace for each County respectively shall give Notice to the Clerk of the Peace of the County next adjoining through which the lower Course of the River shall entirely pass, or if there shall be no such County then to the Clerk of the Peace of the County next adjoining through which the upper Course of the River shall entirely have passed, of the Days which have been proposed as Fence Days by the Justices of the Peace for such Two adjoining Counties as aforesaid; and it shall thereupon be lawful for the Justices of the Peace acting for such next adjoining County through which the Course of the River shall entirely pass or have passed, as the Case may be, and they are hereby required, at their next Quarter Sessions, to fix certain Days as Fence Days for any Part of such River as runs between or forms the Boundary of such adjoining Counties; Provided always, that the first

first of such Fence Days shall be some Day between the Days proposed by such adjoining Counties for the Commencement of such Fence Days, and the last of such Days shall be a Day between the Days proposed by the said adjoining Counties for the Determination of such Fence Days.

Offences committed in a River forming a Boundary how to be cognizable.

V. And be it enacted, That any Offence against the Provisions of the said recited Acts or of this Act committed by any Person whatsoever in such Part of any River as runs between or forms the Boundary of Two adjoining Counties shall be cognizable by any Justice or Justices of the Peace, as the Case may require, acting for either one of such Counties.

So much of 58 G. 3. c. 43. as imposes Penalties for taking, selling, &c. Spawn, Fish, &c., or Fish caught during prohibited Periods, repealed.

VI. And whereas it is by the said recited Act of the Fifty-eighth Year of the Reign of His Majesty King *George* the Third enacted, that no Person shall at any Time after the First Day of *September* One thousand eight hundred and eighteen take, kill, or destroy, or knowingly have in his or her Possession, either on the Water or on the Shore, or shall bring to Shore, or cry or carry about, sell, offer, or expose to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Spawn, Fry, or Brood of Fish, or any unsizeable Fish, or any Kepper or Shedder Salmon being unseasonable Salmon, commonly called Old Salmon, or any Salmon caught in any River during the Periods when fishing for Salmon is prohibited under the Provisions of any Law now in force, or when the same shall be prohibited by any Order to be made by the Justices at their Sessions as herein-before provided; and it shall be lawful for any Conservator or Overseer thereof, or any other Person under the Authority of this Act, to take and seize all or any such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, wherever the same shall be found, together with all Baskets and Package in which the same shall be so found or taken, and to deliver the Person on whom the same may be found to a Constable or other Peace Officer; and after every such Seizure shall be made, the Spawn, Fry, or Brood, or other Fish as aforesaid, together with the Baskets and Package in which the same shall be so seized, shall be delivered into the Hands of some Constable or other Peace Officer, and every such Constable or other Peace Officer is hereby authorized and required to take every such Offender with whom he shall be so charged for any such Offence into his Custody, and also the Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, and all Baskets and Packages in which the same shall be so seized, and which shall be delivered to such Constable or other Peace Officer as aforesaid, and to carry such Offender, and all such Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, together with the Baskets and Package as aforesaid, which shall have been delivered to any such Constable or other Peace Officer, with all convenient Speed, before some Justice or Justices or Magistrate of the County, City, or Place where the Offence shall be committed, for such Offender to be dealt with according to Law; and on the Conviction of any such Offender or Offenders for any such Offence before any such Justice or Justices or Magistrates as aforesaid, every such Offender shall forfeit all and every such Spawn, Fry, or Brood of Fish, unsizeable Fish, and Fish out of Season, which shall be so

seized, together with all Baskets or Package in which the same shall be so seized; and all such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, together with such Baskets and Package in which the same shall have been so seized as aforesaid, shall, by Order of the Justice or Justices before whom the same shall be so brought, be delivered to the Person or Persons who shall have so seized the same and shall prosecute to Conviction any such Offender; and every Offender who shall be so convicted as aforesaid of any such Offence shall besides forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds: And whereas it is expedient that the said Provision be repealed; be it therefore enacted, That the said Provision be and the same is hereby repealed.

Penalty on Persons taking, selling, &c. Spawn, Fish, &c. after Fence Days.

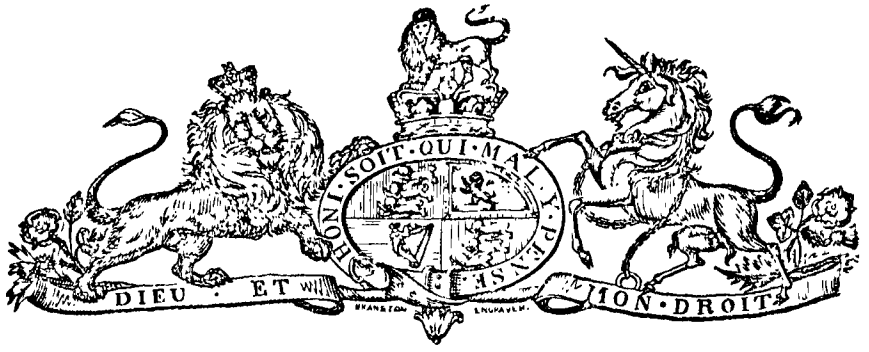
VII. And be it enacted, That no Person shall upon any Pretence whatsoever, at any Time after the Days to be fixed by any Justice or Justices of the Peace to be Fence Days by virtue of the Provisions of this Act, take, kill, or destroy, or have in his or her Possession, either on the Water or on the Shore, or shall bring to Shore, or cry or carry about, sell, offer, or expose to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Spawn, Fry, or Brood of Fish, or any unsizeable Fish, or any Kepper or Shedder Salmon being unseasonable Salmon, commonly called Old Salmon, or any Salmon caught in any River during the Periods when fishing for Salmon is prohibited under the Provisions of any Law now in force, or when the same shall be prohibited by any Order to be made by the Justices at their Sessions, as provided by the said recited Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, or by any Order to be made by the Justices at their Sessions or otherwise as herein-before provided; and it shall be lawful for any Conservator or Overseer thereof, or any other Person, under the Authority of the said recited Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, or under the Authority of this Act, to take and seize all or any such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, wherever the same shall be found, together with all Baskets and Package in which the same shall be so found or taken, and to deliver the Person on whom the same may be found to a Constable or other Peace Officer; and after every such Seizure shall be made the Spawn, Fry, or Brood, or other Fish as aforesaid, together with the Baskets and Package in which the same shall be so seized, shall be delivered into the Hands of some Constable or other Peace Officer, and every such Constable or other Peace Officer is hereby authorized and required to take every such Offender with whom he shall be so charged for any such Offence into his Custody, and also the Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, and all Baskets and Packages in which the same shall be so seized, and which shall be delivered to such Constable or other Peace Officer as aforesaid, and to carry such Offender, and all such Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, together with the Baskets and Package as aforesaid, which shall have been delivered to any such Constable or other Peace Officer, with all convenient Speed, before some Justice or Justices or Magistrate of the County, City, or Place where the Offence shall be committed,

committed, for such Offender to be dealt with according to Law; and on the Conviction of any such Offender or Offenders for any such Offence before any such Justice or Justices or Magistrate as aforesaid, every such Offender shall forfeit all and every such Spawn, Fry, or Brood of Fish, unsizeable Fish, and Fish out of Season, which shall be so seized, together with all Baskets or Package in which the same shall be so seized; and all such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, together with such Baskets and Package in which the same shall have been so seized as aforesaid, shall, by Order of the Justice or Justices before whom the same shall be so brought, be delivered to the Person or Persons who shall have so seized the same and shall prosecute to Conviction any such Offender; and every Offender who shall be so convicted as aforesaid of any such Offence shall besides forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds.

All the Powers, Penalties, &c. of said Acts of 1 G. 1. c. 18. and 58 G. 3. c. 43. to apply to this Act.

VIII. And be it enacted, That all the Powers and Provisions, Rules, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said recited Acts passed in the First Year of the Reign of His Majesty King *George* the First and in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, shall be applied and put in Practice in the Execution of this Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act, so far as the same are compatible and consistent with the Provisions of this Act, and except so far as the same are expressly altered or repealed by this Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



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such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables and other Peace Officers in that Part of the United Kingdom where the said Warrant shall be so endorsed, to execute the said Warrant, by apprehending the Person against whom such Warrant is directed, and to convey the said Person before a Justice of the Peace for the County or other Jurisdiction in which the supposed Offender shall be apprehended, or in *Scotland* either before such Justice of the Peace or before the Sheriff Depute or Substitute.

For Apprehension of Offenders escaping to the Colonies.

II. And to remedy the like Failure of Justice by the Escape of Persons charged with having committed Offences into those Parts of Her Majesty's Dominions which do not form Part of the said United Kingdom, be it enacted, That from and after the passing of this Act, if any Person charged with having committed any Offence such as is herein-after mentioned in any Part of Her Majesty's Dominions, whether or not within the said United Kingdom, and against whom a Warrant shall be issued by any Person or Persons having lawful Authority to issue the same, shall be in any other Part of Her Majesty's Dominions not forming Part of the said United Kingdom, it shall be lawful for the Chief Justice or any other Judge of Her Majesty's Superior Court of Law within that other Part of Her Majesty's Dominions where such Person shall be to endorse his Name on such Warrant, which Warrant so endorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and also to all Persons to whom such Warrant was originally directed, and also to all Peace Officers of the Place where the Warrant shall be so endorsed, to execute the same within the Jurisdiction of the Person by whom it shall be so endorsed, by apprehending the Person against whom such Warrant is directed, and to convey him before a Magistrate or other Person having Authority to examine and commit Offenders for Trial in that Part of Her Majesty's Dominions.

Offender may be committed to Gaol until he can be sent back to the Place where the Offence was committed.

Information of Committal to be given.

III. And be it enacted, That it shall be lawful for any Person duly authorized to examine and commit Offenders for Trial before whom any such supposed Offender shall be brought as aforesaid, upon such Evidence of Criminality as would justify his Committal if the Offence had been committed in that Part of Her Majesty's Dominions, to commit such supposed Offender to Prison, there to remain until he can be sent back, in manner herein-after mentioned, to that Part of Her Majesty's Dominions in which he is charged with having committed such Offence; and immediately upon the Committal of such Person Information thereof in Writing under the Hand of the committing Magistrate, accompanied by a Copy of the said Warrant, shall be given, in *Great Britain*, to One of Her Majesty's Principal Secretaries of State, and in *Ireland* to the Chief Secretary of the Lord Lieutenant, and in any other Part of Her Majesty's Dominions to the Governor or acting Governor.

Copies of Depositions may be given in Evidence.

IV. Provided always, and be it enacted, That in every such Case Copies of the Depositions upon which the original Warrant was granted, certified under the Hand of the Person or Persons issuing such Warrant, and attested upon the Oath of the Party producing them

them to be true Copies of the original Depositions, may be received in Evidence of the Criminality of the Person so apprehended.

Offenders apprehended to be sent to the Place where the Offence was committed;

V. And be it enacted, That it shall be lawful, in *Great Britain*, for any One of Her Majesty's Principal Secretaries of State, and in *Ireland* for the Chief Secretary of the Lord Lieutenant, and in any other Part of Her Majesty's Dominions for the Governor or acting Governor, by Warrant under his Hand and Seal, to order any Person who shall have been so apprehended and committed to Gaol to be delivered into the Custody of some Person or Persons, to be named in the said Warrant, for the Purpose of being conveyed into that Part of Her Majesty's Dominions in which he is charged with having committed the Offence, and being delivered into the Custody of the proper Authorities there, to be dealt with in due Course of Law as if he had been there apprehended, and to order that the Person so committed to Gaol be so conveyed accordingly; and if the said Person, after he shall have been so apprehended, shall escape out of any Custody to which he shall have been committed as aforesaid, it shall be lawful to retake such Person, in the same Manner as any Person accused of any Crime against the Laws of that Part of Her Majesty's Dominions may be retaken upon an Escape.

if not sent within Two Months after Committal, may apply to be discharged.

VI. And be it enacted, That where any Person who shall have been committed to Gaol under this Act shall not be conveyed out of that Part of Her Majesty's Dominions in which he shall have been so committed to Gaol within Two Calendar Months after such Committal, over and above the Time actually required to convey the Prisoner from the Gaol to which he was committed by the readiest Way out of that Part of Her Majesty's Dominions, it shall be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such supposed Offender shall be in Custody, upon Application made to him or them by or on behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application has been given to One of Her Majesty's Principal Secretaries of State in *Great Britain*, or in *Ireland* to the Chief Secretary of the Lord Lieutenant of *Ireland*, or to the Governor or acting Governor in any other Part of Her Majesty's Dominions, to order the Person so committed to be discharged out of Custody, unless sufficient Cause shall be shown to such Judge or Judges why such Discharge ought not to be ordered.

Persons apprehended if not indicted within Six Months, or if not convicted, may be sent back.

VII. And be it enacted, That in case any Person apprehended under this Act shall not be indicted for the Offence for which he shall have been so apprehended within the Period of Six Calendar Months after his Arrival in that Part of Her Majesty's Dominions in which he is charged to have committed the Offence, or if upon his Trial he shall be acquitted, it shall be lawful, in *Great Britain*, for One of Her Majesty's Principal Secretaries of State, and in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and for the Governor or acting Governor in any other Part of Her Majesty's Dominions, if he shall think fit, upon the Request of the Person so apprehended, to cause such Person to be sent back, free of Cost to such

such Person, and with as little Delay as possible, to that Part of Her Majesty's Dominions in which he shall have been so apprehended.

Providing for Expence of Removal of Offenders to the United Kingdom.

VIII. And be it enacted, That the Court before which any Person apprehended under this Act shall be prosecuted or tried within the said United Kingdom may order, if it shall think fit, that the Expences of apprehending and removing the Prisoner from any Part of Her Majesty's Dominions not within the said United Kingdom to any Place within the said United Kingdom shall be repaid to the Person defraying the same, by the Treasurer of the County or other Jurisdiction in *England* or *Ireland*, or by the Sheriff Depute or Substitute of the County in *Scotland*, in which the Offence is charged to have been committed, the Amount of such Expences being previously ascertained by an Account thereof, verified by Production of proper Vouchers before Two Justices of the Peace of such County or other Jurisdiction, which last-mentioned Justices shall examine into the Correctness of the said Account, and shall allow the same, or such Part thereof as shall to them appear just and reasonable, under their Hands and Seals; and every Treasurer, or Sheriff Depute or Substitute, who shall pay the Amount so ascertained, shall be allowed such Payment in his Accounts respecting the Business of such County or other Jurisdiction.

Proof of the Signature of the Person issuing the original Warrant.

IX. Provided always, and be it enacted, That it shall not be lawful for any Person to endorse his Name on any such Warrant, for the Purpose of authorizing the Apprehension of any Person under this Act, until it shall have been proved to him, upon Oath or by Affidavit, that the Seal or Signature upon the same is the Seal or Signature of the Person having lawful Authority to issue such Warrant whose Seal or Signature the same purports to be.

Warrant not to be endorsed, except in Cases of Treason and Felony, &c.

X. Provided also, and be it enacted, That it shall not be lawful for any Person to endorse his Name upon any such Warrant, for the Purpose of authorizing the Apprehension of any Person under this Act, unless it shall appear upon the Face of the said Warrant that the Offence which the Person for whose Apprehension the said Warrant has been issued is charged to have committed is such that, if committed within that Part of Her Majesty's Dominions where the Warrant is so endorsed, it would have amounted in Law to a Treason, or some Felony such as the Justices of the Peace in General or Quarter Sessions assembled have not Authority to try in *England* under the Provisions of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace*, or unless the Depositions appear sufficient to warrant the Committal of such Person for Trial.

5 & 6 Vict. c. 38.

Act may be amended this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXXV.

An Act to amend so much of an Act of the last Session, for the Government of *New South Wales* and *Van Diemen's Land*, as relates to *Norfolk Island*. [28th *July* 1843.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for the Government of* New South Wales *and* Van Diemen's Land, it was enacted, that it should be lawful for Her Majesty to define the Limits of the Colony of *New South Wales*, and to erect into a separate Colony any Territories comprised within the said Colony, provided that no Part of the Territories lying Southward of the Twenty-sixth Degree of South Latitude in the said Colony of *New South Wales* should be detached from the said Colony: And whereas it is expedient that *Norfolk Island* should be severed from the Government of *New South Wales*, and annexed to the Government of *Van Diemen's Land*; but inasmuch as *Norfolk Island* lies Southward of the Twenty-sixth Degree of South Latitude, it may be doubted if such Severance can be made without Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to sever *Norfolk Island*

5 & 6 Vict. c. 76.

Norfolk Island may be annexed to Van Diemen's Land.

Island from the Government of *New South Wales* and from the Diocese of *Australia*, and to annex it to the Government and Colony of *Van Diemen's Land* and to the Diocese of *Tasmania*, from and after a Day to be mentioned in such Letters Patent; and from and after such Day *Norfolk Island* shall cease to belong to the Colony of *New South Wales* and to the Diocese of *Australia*, and shall be taken to be a Part of the Colony of *Van Diemen's Land* and of the Diocese of *Tasmania*.

Continuance of Laws and Ordinances.

II. Provided always, and be it enacted, That, until annulled or altered by competent Authority, all Laws, Ordinances, and Regulations, Civil and Ecclesiastical, in force within *Norfolk Island* at the Time when such Letters Patent shall take effect, shall continue in force as if *Norfolk Island* had continued a Part of the Colony of *New South Wales* and of the Diocese of *Australia*, subject only to such Changes as shall be necessarily consequent upon the Change of Government.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXXVI.

An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies. [28th *July* 1843.]

WHEREAS it is expedient that Societies established exclusively for Purposes of Science, Literature, or the Fine Arts should be exempt from the Charge of County, Borough, Parochial, and other local Rates in respect of Land and Buildings occupied by them for the Transaction of their Business, and for carrying into effect their Purposes; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* One thousand eight hundred and forty-three no Person or Persons shall be assessed or rated, or liable to be assessed or rated, or liable to pay, to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Land, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any Society instituted for Purposes of Science, Literature, or the Fine Arts exclusively, either as Tenant or as Owner, and occupied by it for the Transaction of its Business, and for carrying into effect its

Scientific Societies exempted from Rates upon obtaining the Certificate herein-after mentioned.

its Purposes, provided that such Society shall be supported wholly or in part by annual voluntary Contributions, and shall not, and by its Laws may not, make any Dividend, Gift, Division, or Bonus in Money unto or between any of its Members, and provided also that such Society shall obtain the Certificate of the Barrister at Law or Lord Advocate, as herein-after mentioned.

Scientific Societies to cause Three Copies of their Rules of Management to be submitted to the Barrister or Person appointed to certify the Rules of Friendly Societies, who shall certify thereon if entitled.

II. Provided always, and be it enacted, That before any Society shall be entitled to the Benefit of this Act such Society shall cause Three Copies of all Laws, Rules, and Regulations for the Management thereof, signed by the President or other chief Officer and Three Members of the Council or Committee of Management, and countersigned by the Clerk or Secretary of such Society, to be submitted, in *England*, *Wales*, and *Berwick-upon-Tweed*, to the Barrister at Law for the Time being appointed to certify the Rules of Friendly Societies there, and in *Scotland* to the Lord Advocate, or any Depute appointed by him to certify the Rules of Friendly Societies there, and in *Ireland* to the Barrister for the Time being appointed to certify the Rules of Friendly Societies there, for the Purpose of ascertaining whether such Society is entitled to the Benefit of this Act; and such Barrister or Lord Advocate, as the Case may be, shall give a Certificate on each of the said Copies that the Society so applying is entitled to the Benefit of this Act, or shall state in Writing the Grounds on which such Certificate is withheld; and one of such Copies, when certified by such Barrister or Lord Advocate, shall be returned to the Society, another Copy shall be retained by such Barrister or Lord Advocate, and the other of such Copies shall be transmitted by such Barrister or Lord Advocate to the Clerk of the Peace for the Borough or County where the Land or Buildings of such Society in respect of which such Exemption is claimed shall be situated, and shall by him be laid before the Recorder or Justices for such Borough or County at the General Quarter Sessions, or Adjournment thereof, held next after the Time when such Copy shall have been so certified, and transmitted to him as aforesaid, and the Recorder or Justices then and there present are hereby authorized and required, without Motion, to allow and confirm the same; and such Copy shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, without Fee or Reward.

One certified Copy to be returned to the Society; one to be retained by the Barrister; and the other transmitted to the Clerk of the Peace, for Confirmation at Sessions, and to be deposited.

Certain Alterations made in the Rules to be certified and deposited in like Manner.

III. And be it enacted, That if the Laws, Rules, and Regulations of any such Society shall be altered, so as to affect or relate to the Property or Constitution of such Society, such Alterations shall, within One Calendar Month after the same shall have been made, be submitted to such Barrister or Lord Advocate, and such Barrister or Lord Advocate shall certify as aforesaid; and such Rules, when so certified, shall be filed with the Clerk of the Peace as aforesaid; and in the meantime such Society shall be entitled to the Benefit of this Act, as if no such Alterations had been made: Provided always, that if the said Barrister or Lord Advocate shall refuse to certify, that then, subject to such Appeal as is herein-after provided, the said Society shall cease to be entitled to the Benefit of this Act from the Time when such Alterations shall come into operation.

In case of Refusal to certify.

IV. Pro-

Fee to be paid to the Barrister or Lord Advocate.

IV. Provided always, and be it enacted, That the Fee payable to such Barrister or Lord Advocate for perusing the Laws, Rules, and Regulations of each Society, or the Alterations made therein, and giving such Certificate or Statement as aforesaid, shall not at any One Time exceed the Sum of One Guinea, which, together with the Expence of transmitting the Rules to and from the said Barrister or Lord Advocate, shall be defrayed by each Society respectively.

Provision in Cases where Certificate is refused.

V. Provided always, and be it enacted, That in case any such Barrister or Lord Advocate shall refuse to certify that any such Society is entitled to the Benefit of this Act, it shall then be lawful for any such Society to submit the Laws, Rules, and Regulations thereof to the Court of Quarter Sessions for the Borough or County where the Land or Buildings of the Society shall be situated, together with the Reasons so assigned by the said Barrister or Lord Advocate as aforesaid; and the Recorder or Justices at such Quarter Sessions shall and may, if he or they think fit, order the same Rules to be filed, notwithstanding such Refusal as aforesaid; and such filing shall have the same Effect as if the said Barrister or Lord Advocate had certified as aforesaid.

Appeal to Quarter Sessions.

VI. Provided also, and be it enacted, That any Person or Persons assessed to any Rate from which any Society shall be exempted by this Act may appeal from the Decision of the said Barrister or Lord Advocate in granting such Certificate as aforesaid to the said Court of Quarter Sessions, within Four Calendar Months next after the first Assessment of such Rate made after such Certificate shall have been filed as aforesaid, or within Four Calendar Months next after the first Assessment of such Rate made after such Exemption shall have been claimed by such Society, such Appellant first giving to the Clerk or Secretary of the Society in question, Twenty-one Days previously to the Sitting of the said Court, Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Grounds thereof, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, to try such Appeal at and abide the Order of and pay such Costs as shall be awarded by the Recorder or Justices at such Quarter Sessions; and at such Quarter Sessions such Recorder or Justices shall, on its being proved that such Notice and Statement have been given as aforesaid, proceed to hear such Appeal, according to the Grounds set forth in such Statement, and not otherwise, and, if the Certificate of the said Barrister or Lord Advocate shall appear to him or them to have been granted contrary to the Provisions of this Act, shall and may annul the same, and shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as he or they shall think proper, and his or their Determination concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act to make better Provision for the Spiritual Care of populous Parishes. [28th *July* 1843.]

WHEREAS it is expedient to make better Provision for the Spiritual Care of populous Parishes, and to render the Estates and Revenues vested in "The Ecclesiastical Commissioners for *England*," and the Funds at the Disposal of "The Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy," applicable immediately to such Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Ecclesiastical Commissioners for *England* may, upon the Conditions herein-after mentioned, forthwith borrow, and the said Governors of the Bounty of Queen *Anne*, together with the Most Reverend *William Howley* Lord Archbishop of *Canterbury*, may, upon the Security herein-after mentioned, forthwith lend and transfer to the said Commissioners, the Capital Sum of Six hundred thousand Pounds Three Pounds *per Centum* Reduced Bank Annuities, Part of a certain Sum of such Stock now standing in the Names of the said Governors and of the said Archbishop in the Books of the Governor and Company of the Bank of *England*.

Queen Anne's Bounty Board may lend Ecclesiastical Commissioners for England a Sum of Stock.

Bounty Board may lend further Sums of Stock.

II. And be it enacted, That at any Time and from Time to Time the said Commissioners may borrow, and the said Governors and the Archbishop of *Canterbury* for the Time being may, if they shall think fit, lend and transfer to the said Commissioners, in like Manner, and upon the like Security and Conditions, any further Capital Sum or Sums of Stock, being Part of the Stock so standing as aforesaid.

Commissioners to pay Dividends half-yearly.

III. And be it enacted, That the said Commissioners shall, upon the Transfer of any such Stock as aforesaid into their Names in the Books of the said Governor and Company, accept the same in such Books, and shall pay or cause to be paid to the said Governors, by half-yearly Payments on the Tenth Day of *April* and the Fourteenth Day of *October* in every Year, a Sum equal in Amount to the Amount of the Dividends which such Stock, or so much thereof as shall on such Days respectively remain unreplaced, would produce; and that it shall be lawful for the said Commissioners at any Time to replace the Whole or any Part of any such Sum of Stock.

The whole Property of the Commissioners under the Cathedral Acts to be Security for every such Loan. 3 & 4 Vict. c. 113. 4 & 5 Vict. c. 39.

IV. And be it enacted, That all the Monies from Time to Time accruing to the said Commissioners by reason of the Suspension of Canonries by or under the Provisions of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, and of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England, and all the Lands, Tithes, Rent-charges, Tenements, and other Hereditaments vested or to be vested in them under the Provisions of the same Acts or of this Act, and the Rents and Profits thereof, shall be and the same are hereby charged and made chargeable with all such half-yearly Payments as aforesaid, and also with the Repayment and replacing of the whole Capital Stock so to be lent and transferred to them, if any such half-yearly Payment, or any Part thereof, shall remain unpaid for Twenty Days next after either of the Days upon which the same shall have become due and payable as aforesaid; and that upon any such Default as last mentioned the said Governors shall, by virtue of this Act, and upon Proof of such Default, have the same and the like Remedies at Law against the said Ecclesiastical Commissioners for *England*, and upon and over all the Monies, Lands, Tithes, Rent-charges, Tenements, and other Hereditaments in their Possession or Power under the Provisions of the said recited Acts, for the Recovery of such Capital Stock, or so much thereof as shall then remain unreplaced, together with all Arrears of half-yearly Payments due thereon as aforesaid, as if the said Commissioners had duly executed a Deed under their Common Seal, covenanting for Repayment to the said Governors of such Stock and for making such half-yearly Payment on the Day when such Default shall have become complete as aforesaid; and that such Transfer and Acceptance as aforesaid shall be sufficient Evidence of such Covenant.

Bounty Board may require Repayment of Capital after Thirty Years.

V. Provided also, and be it enacted, That it shall be lawful for the said Governors, if they shall see fit, at or after the Expiration of Thirty Years from the Date of the lending and transferring of the said Sum, and at or after the Expiration of a like Number of Years from and after the lending and transferring of any further Sum of such Stock as aforesaid, to give Notice to the said Commissioners, in Writing under their Corporate Seal, requiring them to replace, in the Names of the said Governors and of the Lord Archbishop of *Canterbury* for the Time being, the whole of such Sums of Stock respectively, or such Part thereof respectively as shall at the Date of such Notice remain unreplaced, and the said Commissioners shall proceed to replace the same accordingly, by yearly Instalments, amounting at the least to One Twelfth Part of such Sums of Stock respectively, or of such remaining Part thereof as aforesaid, and upon default of their duly replacing any such Instalment the said Governors shall have the like Remedies for recovering the same, as for any Default in making any such half-yearly Payment as aforesaid.

Commissioners to have full Rights of Ownership over the Lands, &c. vested in them, subject to certain Conditions.

VI. And be it enacted, That, notwithstanding the Charge by this Act created, all the same and the like Rights and Powers of Ownership, as are possessed and enjoyed respecting and over any Lands, Tithes, Rent-charges, Tenements, or other Hereditaments whatsoever, by any absolute Owner thereof, shall be enjoyed by the said Commissioners with respect to and over all or any Lands, Tithes, Rent-charges, Tenements, and other Hereditaments vested and liable to be vested in them by or under the Provisions of the said recited Acts, and may, subject to the Provisions of the same Acts and of this Act, be exercised by them, by proper Instruments in Writing duly executed according to Law, but in the Case of any such Lands, Tithes, Rent-charges, and other Hereditaments not actually in their Possession, with the Consent of the respective Holders thereof, testified by their being made Parties to such Instruments; and that the Consent of the said Governors shall not be in any Case required to the Exercise by the said Commissioners of any such Rights and Powers as aforesaid, notwithstanding such Charge: Provided always, that every Sum of Money received as the Consideration or Purchase Money for the Sale, Transfer, or Conveyance by the said Commissioners of any of such Lands, Tithes, Tenements, or other Hereditaments, or of any Estate or Interest therein, and also every Sum of Money received by them as the Foregift or Fine for the granting or renewing of any Lease, shall, unless it be deemed expedient by the said Commissioners to apply any such Sum or any Part thereof in replacing any Stock so lent and transferred as aforesaid, which they are hereby empowered to do, be applied by them, so soon as conveniently may be after the Receipt thereof, in the Purchase of Lands, Tithes, Rent-charges, Tenements, or other Hereditaments, or of some Estate or Interest therein, and shall in the meantime be invested in some Government or Parliamentary Stock or other Public Securities in *England*, the said Commissioners being at liberty to apply the Interest and Dividends of such Stock or Securities, and the Rents and Profits of such Lands, Rent-charges, Tithes, Tenements, and other Hereditaments, to the Purposes of the said recited Acts or of this Act.

VII. And

Commissioners to have full Power over Stock.

VII. And be it enacted, That the said Commissioners shall, for the Purposes and subject to the Provisions of the said recited Acts and of this Act, have full Power and Right of Property over all the Stock so lent and transferred to them by the said Governors as aforesaid.

Stock not to be used, nor Lands sold, without Approval of Her Majesty in Council.

VIII. Provided always, and be it enacted, That no Part of the Capital of such Stock shall be applied to such Purposes as aforesaid, nor shall any such Lands, Tithes, Tenements, or other Hereditaments as aforesaid be sold, transferred, or conveyed, except by the Authority in the said recited Acts provided; (that is to say,) by a Scheme prepared by the said Commissioners, and an Order issued by Her Majesty in Council ratifying such Scheme.

Districts may be constituted for Spiritual Purposes;

IX. And whereas there are divers Parishes, Chapelries, and Districts of great Extent, and containing a large Population, wherein or in Parts whereof the Provision for Public Worship and for Pastoral Superintendence is insufficient for the Spiritual Wants of the Inhabitants thereof; be it therefore enacted, That if at any Time it shall be made to appear to the said Ecclesiastical Commissioners for *England*, that it would promote the Interests of Religion that any Part or Parts of any such Parish or Parishes, Chapelry or Chapelries, District or Districts, or any Extra-parochial Place or Places, or any Part or Parts thereof, should be constituted a separate District for Spiritual Purposes, it shall be lawful, by the Authority aforesaid, with the Consent of the Bishop of the Diocese under his Hand and Seal, to set out by Metes and Bounds, and constitute a separate District accordingly, such District not then containing within its Limits any consecrated Church or Chapel in use for the Purposes of Divine Worship, and to fix and declare the Name of such District: Provided always, that the Draft of any Scheme for constituting any such District, proposed to be laid before Her Majesty in Council by the said Commissioners, shall be delivered or transmitted to the Incumbent and to the Patron or Patrons of the Church or Chapel of any Parish, Chapelry, or District out of which it is recommended that any such District or any Part thereof should be taken, in order that such Incumbent, Patron or Patrons, may have an Opportunity of offering or making, to the said Commissioners or to such Bishop, any Observations or Objections upon or to the constituting of such District; and that such Scheme shall not be laid before Her Majesty in Council, until after the Expiration of One Calendar Month next after such Copy shall have been so delivered or transmitted, unless such Incumbent and Patron or Patrons shall in the meantime consent to the same: Provided also, that in every Scheme for constituting any such District, the said Commissioners shall recommend to Her Majesty in Council, that the Minister of such District, when duly licensed as herein-after mentioned, shall be permanently endowed, under the Provisions herein-after contained, to an Amount of not less than the annual Value of One hundred Pounds; and also, if such Endowment be of less than the annual Value of One hundred and fifty Pounds, that the same shall be increased under the like Provisions to such last-mentioned Amount, at the least, so soon as such District shall have become a new Parish as herein-after provided.

and are to be endowed to a certain Amount at the least.

X. And

Map of District to be annexed to Scheme, and registered.

X. And be it enacted, That a Map or Plan, setting forth and describing such Metes and Bounds, shall be annexed to the Scheme for constituting such District, and transmitted therewith to Her Majesty in Council, and a Copy thereof shall be registered by the Registrar of the Diocese, together with any Order issued by Her Majesty in Council for ratifying such Scheme: Provided always, that it shall not be necessary to publish any such Map or Plan in the *London* Gazette.

Minister to be nominated and licensed to District.

XI. And be it enacted, That upon any such District being so constituted, a Minister may and shall be nominated thereto in manner herein-after provided, and may thereupon be licensed thereto by the Bishop, and shall have Power to perform and shall perform within such District all such Pastoral Duties appertaining to the Office of a Minister according to the Rites and Usages of the United Church of *England* and *Ireland* as shall be specified and set forth in his Licence, and, when a Building shall be licensed within such District for Divine Worship in manner herein-after provided, shall also perform such Services and Offices as shall be specified and set forth in the same or any further Licence granted in that Behalf by the Bishop of the Diocese; and such Minister shall perform such Pastoral Duties, Services, and Offices respectively, independently of the Incumbent or Minister of the Church of any Parish, Chapelry, or District out of which such new District or any Part thereof shall have been taken, and shall, so far as the Performance of the same may be authorized by such Licence or Licences, have the Cure of Souls in and over such new District: Provided always, that no Burials shall be performed in such licensed Building, and that nothing in this Act contained shall empower such Bishop to include in any such Licence the Solemnization of Marriages.

Style and Character of Minister;

XII. And be it enacted, That such Minister shall be styled "The Minister of the District of ," according to the Name thereof so fixed as aforesaid, and shall be in all respects subject to the Jurisdiction of the Bishop and Archdeacon within whose Diocese and Archdeaconry such District shall be situate, and shall only be removeable from his Office of such Minister for the like Reasons and in the same Manner as any Perpetual Curate is now by Law removeable; and such Minister shall be a Body Politic and Corporate, and shall have perpetual Succession, as well by the Name and in the Character aforesaid, as by the Name and in the Character of Perpetual Curate herein-after mentioned and provided, as the Case may be; and such Minister and Perpetual Curate respectively may, in such Name and Character respectively, notwithstanding the Statutes of Mortmain, receive and take, to him and his Successors, as well every Grant of Endowment or Augmentation made or granted by the Authority aforesaid, as also any Real or Personal Estate or Effects whatsoever which any Person or Persons or Body Corporate may give or grant to him according to Law.

and Power to hold Endowments.

Bishop may license a temporary Place of Worship.

XIII. And be it declared and enacted, That it shall be lawful for the Bishop of the Diocese, at any Time after the constituting of any such District as aforesaid, to license any Building, within such Dis-

trict, which he may consider to be fit and proper for such Purpose, for the Performance of Divine Service by such Minister according to the Rites and Usages of such United Church; and such Minister may for any Churchings performed under any such Licence receive such Fees as shall be fixed and determined in manner herein-after provided; and all Laws now in force relating to the Registration of Baptisms shall apply to all Baptisms performed under any such Licence.

Not to prevent Marriages and Burials in Mother Church, nor affect certain other Rights.

XIV. Provided always, and be it enacted, That, until a Church or Chapel shall have been built or acquired within such District, and shall have been approved and consecrated as herein-after provided, nothing herein contained shall prejudice or affect the Right of any Incumbent of any other Church or Chapel, who before the constituting of such District possessed the entire Cure of Souls within the same or any Part thereof, to publish any Banns, solemnize any Marriages, or perform any Burials in his own Church or Chapel which he could have published, solemnized, or performed therein, or to receive any Fees, Dues, or Emoluments (except the Fees hereinbefore authorized to be received by the Minister of such District) which as such Incumbent he could have received if such District had not been constituted, nor any Right to attend Divine Service in any other Church or Chapel, which any Inhabitant of such District possessed before such District was constituted.

District to become a new Parish upon a Church being consecrated.

XV. And be it enacted, That when any Church or Chapel shall be built, purchased, or acquired in any District constituted as aforesaid, and shall have been approved by the said Commissioners, by an Instrument in Writing under their Common Seal, and consecrated as the Church or Chapel of such District, for the Use and Service of the Minister and Inhabitants thereof, such District shall, from and after the Consecration of such Church or Chapel, be and be deemed to be a new Parish for Ecclesiastical Purposes, and shall be known as such by the Name of "The new Parish of ," instead of "The District of ," according to the Name so as aforesaid fixed for such District; and such Church or Chapel shall become and be the Church of such new Parish accordingly; and any Licence granted by the Bishop, licensing any Building for Divine Worship as aforesaid, shall thereupon become void; and it shall be lawful to publish Banns of Matrimony in such Church, and according to the Laws and Canons in force in this Realm to solemnize therein Marriages, Baptisms, Churchings, and Burials, and to require and receive such Fees upon the Solemnization of such Offices or any of them as shall be fixed by the Chancellor of the Diocese in which such new Parish shall be situate, and which Fees, and also the Fees for Churchings to be received as aforesaid by the Minister of such District, such Chancellor is hereby empowered and required to fix accordingly; and the like *Easter* Offerings and Dues may be received within the Limits of such new Parish by the Perpetual Curate thereof as are and were, at and before the Time of the passing of this Act, payable to the Incumbent of the Church of the principal Parish of which such new Parish originally formed a Part; and the several Laws, Statutes, and Customs in force relating to the Publication of Banns of Matrimony, and to the Performance

formance of Marriages, Baptisms, Churchings, and Burials, and the registering thereof respectively, and to the suing for and recovering of Fees, Oblations, or Offerings in respect thereof, shall apply to the Church of such new Parish, and to the Perpetual Curate thereof for the Time being: Provided always, that it shall not be lawful for any such Minister or Perpetual Curate to receive any Fee for the Performance of any Baptism, within his District or new Parish as the Case may be, or for the Registration thereof.

Minister to become Perpetual Curate of new Parish.

XVI. And be it enacted, That upon any such District so becoming a new Parish, the Minister of such District, having been duly licensed, shall, without any further Process or Form in Law, become and be Perpetual Curate of such new Parish and of the Church thereof, and shall have exclusive Cure of Souls in and over such Parish; and shall be a Body Politic and Corporate, and have perpetual Succession; and that such Parish and Church shall be and be deemed to be a Perpetual Curacy, and a Benefice with Cure of Souls, to all Intents and Purposes.

Churchwardens to be chosen.

XVII. And be it enacted, That in every such Case of a District so becoming a new Parish Two fit and proper Persons, being Members of the United Church of *England* and *Ireland*, shall, within Twenty-one Days from the Consecration of the Church thereof, be chosen Churchwardens for such new Parish, one being chosen by the Perpetual Curate thereof, and the other by the Inhabitants, residing therein and having a similar Qualification to that which would entitle Inhabitants to vote at the Election of Churchwardens for the principal Parish as aforesaid, or the Majority of such Inhabitants, and such Election shall take place at a Meeting to be summoned in such Manner in all respects as such Perpetual Curate shall direct; and such Persons shall continue such Churchwardens until the next usual Period of appointing Parish Officers following their Appointment; and at the like Time in every Year Two such Persons shall thenceforward be chosen by the Perpetual Curate for the Time being and Inhabitants assembled as aforesaid; and every Person so chosen as aforesaid shall be duly admitted, and shall do all Things pertaining to the Office of Churchwarden as to Ecclesiastical Matters in the said new Parish: Provided always, that nothing herein contained shall render any such Churchwardens liable or competent to perform the Duties of Overseer of the Poor in respect of such their Office of Churchwardens.

Act not to affect Parochial Rights, &c. otherwise than as expressly provided.

XVIII. Provided always, and be it enacted, That, until Parliament shall otherwise determine, nothing herein contained shall be construed to affect or alter any Rights, Privileges, or Liabilities whatsoever, Ecclesiastical or Civil, of any Parish, Chapelry, or District, except as is herein expressly provided.

Endowment of Minister.

XIX. And be it enacted, That the said recited Acts, so far as they apply to making better Provision for the Cure of Souls, shall extend to authorize the Endowment or Augmentation of the Income of such Ministers and Perpetual Curates as aforesaid, to such an Amount or in such Proportion, and in such Manner, as shall be deemed

Compensation to Incumbent of Mother Church.

deemed expedient, by the Authority aforesaid; and also to authorize the assigning, at any Time and from Time to Time, to the Incumbent of any Church or Chapel, whose Fees, Dues, or other Emoluments shall be diminished by or in consequence of any Proceeding under the Provisions of this Act, and, if it be deemed fit by the like Authority, to his Successors also, of such an annual Sum as shall, upon due Inquiry, appear to be a just and reasonable Compensation for such Diminution.

Patronage may be conferred upon Contributors to Endowment or to a Church, or their Nominees.

XX. And be it enacted, any Law, Statute, or Canon to the contrary notwithstanding, That it shall be lawful, by the Authority aforesaid, at any Time, to assign the Right of Patronage of any such District or new Parish as aforesaid, and the Nomination of the Minister or Perpetual Curate thereof respectively, either in perpetuity or for One or more Nomination or Nominations, to any Ecclesiastical Corporation Aggregate or Sole, or to either of the Universities of *Oxford*, *Cambridge*, or *Durham*, or to any College therein respectively, or to any Person or Persons, or the Nominee or Nominees of such Person or Persons or Body respectively, upon Condition of such Corporation, University, College, Person or Persons contributing to the permanent Endowment of such Minister or Perpetual Curate, or towards providing a Church or Chapel for the Use of the Inhabitants of such District or new Parish, in such Proportion and in such Manner as shall be approved by the like Authority.

Remaining Patronage to be exercised alternately by Crown and Bishops.

XXI. And be it enacted, That the Right of Patronage and Nomination of every such Minister and Perpetual Curate, unless or until such Right of Patronage and Nomination shall be otherwise wholly assigned, or except so far as the same shall be otherwise in part assigned, under the Provisions in that Behalf herein-before last contained, shall and may be exercised, alternately, by Her Majesty and Her Successors and the Bishop of the Diocese for the Time being in which the District or new Parish shall be situate; the first such Nomination being in each Case made by Her Majesty.

Powers of Bounty Board as to Endowment under 2 & 3 Ann. c. 11. and 45 G. 3. c. 84. conferred upon Commissioners for the Purposes of this Act. 27 Hen. 8. c. 16.

XXII. And for the Encouragement of such Persons as shall be disposed to contribute towards the Purposes of this Act, and that their Charity may be rightly applied, be it enacted, That all and every Person or Persons, or Body Corporate, having in his or their own Right any Estate or Interest in Possession, Reversion, or Contingency of or in any Lands, Tithes, Tenements, or other Hereditaments, or any Property of or in any Goods or Chattels, shall have full Power, Licence, and Authority, at his and their Will and Pleasure, by Deed inrolled in such Manner and within such Time as is directed by the Statute made in the Twenty-seventh Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning Enrolments of Bargains and Contracts of Lands and Tenements*, in the Case of any Lands, Tithes, Tenements, or other Hereditaments, (but without any Deed in the Case of any Goods or Chattels,) or by his or their Testament in Writing, duly executed according to Law, to give and grant to and vest in the said Ecclesiastical Commissioners for *England* and their Successors all such his or their Estate, Interest, or Property in such Lands, Tithes, Tenements, or

other Hereditaments, Goods, and Chattels, or any Part or Parts thereof, for and towards the Endowment or Augmentation of the Income of such Ministers or Perpetual Curates as aforesaid, or for or towards providing any Church or Chapel for the Purposes and subject to the Provisions of this Act, and to be for such Purposes respectively applied, according to the Will of such Benefactors respectively, as in and by such Deed inrolled, or such Testament, executed as aforesaid, may be expressed, or, in the Case of no Deed or Testament, as may in some other Manner be directed, and in default of such Expression or Direction then in such Manner as shall be directed by the Authority herein-before mentioned; and such Commissioners and their Successors shall have full Capacity and Ability to purchase, receive, take, hold, and enjoy, for the Purposes aforesaid, as well from such Persons as shall be so charitably disposed to give the same, as from all other Persons who shall be willing to sell or aliene to the said Commissioners any Lands, Tithes, Tenements, or other Hereditaments, Goods, or Chattels, without any Licence or Writ of Ad quod damnum, the Statute of Mortmain, or any other Statute or Law, to the contrary notwithstanding.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XXIII. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the said Commissioners by the said recited Acts, with reference to the Matters therein contained, and all other the Provisions of the same Acts relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively, with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein; and the Provisions contained in an Act passed in the Second Year of Her Majesty's Reign, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*, respecting the Party or Parties to be deemed Patron or Patrons, for the Purposes of Notice to be served upon and Consent to be given by such Patron or Patrons, and also respecting the Manner in which and the Party by whom any such Consent is to be given, shall be construed to apply to the like Matters respectively under this Act.

1 & 2 Vict. c. 106.

Church Building Commissioners may make Grants for Purposes of this Act.

XXIV. And whereas it may be expedient that Her Majesty's Commissioners for building new Churches should be able to apply a Portion of the Funds placed at their Disposal towards promoting the Purposes of this Act; be it enacted, That it shall be lawful for the said Commissioners to make any such Grant in aid of the Erection of any such new Church or Chapel as aforesaid as shall seem fit to them, if they are authorized so to do under the Church Building Acts, although the Right of Patronage of such Church or Chapel may not belong on the Consecration thereof to the Incumbent of the original Parish in which such Church or Chapel shall be situate, any thing in such Acts to the contrary notwithstanding.

So much of 17 Car. 2. c. 3. as enables Impropriators to augment (repealed by 1 & 2 Vict. c. 106. s. 15.) revived.

XXV. And whereas an Act was passed in the Seventeenth Year of the Reign of King *Charles* the Second, intituled *An Act for uniting Churches in Cities and Towns Corporate*, which, besides the Provisions indicated by the Title of the said Act, contains Enactments enabling Impropriators to augment Parsonages or Vicarages in certain Cases, and Incumbents in certain Cases to receive Lands, Tithes, and other Hereditaments, without Licence in Mortmain: And whereas by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*, the whole of the said Act of King *Charles* the Second was repealed, and more extensive Provisions were made for the uniting of Churches, but none for Augmentations or holding in Mortmain according to the same Act; and it is expedient that the last-mentioned Enactments should be revived: Be it therefore enacted, That so much of the said Act of King *Charles* the Second as enables any Owner or Proprietor of any Impropriation, Tithes or Portion of Tithes, to annex the same or any Part thereof unto the Parsonage, Vicarage, or Curacy of the Parish Church or Chapel where the same lie or arise, or to settle the same in Trust for the Benefit of such Parsonage, Vicarage, or Curacy, and authorizes Parsons, Vicars, or Incumbents to receive Lands, Tithes, or other Hereditaments without Licence of Mortmain, shall be and the same is hereby revived; and that all Augmentations and Grants at any Time heretofore made according to the said Act of King *Charles* the Second shall be as good and effectual as if the same had never been repealed.

Act not to extend to Scotland or Ireland.

XXVI. And be it enacted, That this Act shall extend only to *England* and *Wales*, the *Isle of Man*, the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the *Scilly Islands*.

Act may be amended this Session.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXXVIII.

An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.

[28th *July* 1843.]

WHEREAS it has been found expedient to make further Regulations for hearing and making Report to Her Majesty in Appeals and other Matters referred to the Judicial Committee of the Privy Council, and for the more effectual Appointment of Surrogates in Ecclesiastical and Maritime Causes of Appeal, and for making Orders or Decrees incidental to such Causes of Appeal, and for the Punishment of Contempts, and compelling Appearances and Enforcement of Judgments, Orders, and Decrees of Her Majesty in Council, or of the said Judicial Committee, or their Surrogates, in such Causes of Appeal: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Appeal, Application for Prolongation or Confirmation of Letters Patent, or other Matter referred or hereafter to be referred by Her Majesty in Council to the Judicial Committee of the Privy Council, it shall be lawful for Her Majesty, by Order in Council or special Direction under Her Royal Sign Manual, having regard

Appeals, &c. may be heard by not less than Three Members of the Judicial

Committee of the Privy Council under a special Order of Her Majesty.

regard to the Nature of the said Appeal or other Matter, and in respect of the same not requiring the Presence of more than Three Members of the said Committee, to order that the same be heard, and when so ordered it shall be lawful that the same shall be accordingly heard by not less than Three of the Members of the said Judicial Committee, subject to such other Rules as are applicable, or under this Act may be applicable, to the hearing and making Report on Appeals and other Matters by Four or more of the Members of the said Judicial Committee.

Powers of the Judicial Committee and their Surrogates in respect to Appeals from Ecclesiastical and Admiralty Courts.

II. And be it enacted, That in respect of all Incidents, Emergents, Dependents, and Things adjoined to, arising out of, or connected with Appeals from any Ecclesiastical Court, or from any Admiralty or Vice Admiralty Court, (save in giving a Definitive Sentence, or any Interlocutory Decree having the Force and Effect of a Definitive Sentence,) the said Judicial Committee and their Surrogates shall have full Power, subject to such Rules, Orders, and Regulations as shall from Time to Time be made by the said Judicial Committee, (with the Approval of Her Majesty in Council,) to make all such Interlocutory Orders and Decrees, and to administer all such Oaths and Affirmations, and to do all such Things as may be necessary, or the Judges of the Courts below appealed from or their Surrogates in the Cases appealed, or the Judges of the Courts appealed to or their Surrogates, or the Lords Commissioners of Appeals in Prize Causes or their Surrogates, and the Judges Delegate or their Condelegates under Commissions of Appeal under the Great Seal in Ecclesiastical and Maritime Causes of Appeal, would respectively have had before an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to His Majesty in Council*, and another Act passed in the following Session of Parliament, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*, were passed.

2 & 3 W. 4. c. 92.

3 & 4 W. 4. c. 41.

Who to be Surrogates and Examiners of the Judicial Committee in Ecclesiastical and Admiralty Appeals.

III. And be it enacted, That the Surrogates and Examiners of the Arches Court of *Canterbury* and the High Court of Admiralty of *England*, and such Persons as shall from Time to Time be appointed Surrogates or Examiners of the said Courts, shall be by virtue of this Act Surrogates and Examiners respectively of the Judicial Committee of the Privy Council in all Causes of Appeal from Ecclesiastical Courts and from any Admiralty or Vice Admiralty Court.

Past Proceedings of Surrogates of the Judicial Committee valid, notwithstanding certain Informalities.

IV. And be it enacted, That all Orders, Decrees, and Things heretofore done and expedited in such Causes of Appeal by the Surrogates appointed by the said Judicial Committee of the Privy Council shall be deemed to be valid and effectual, if otherwise lawfully done and expedited, notwithstanding any Informality or Want of Authority in respect to the same in the Orders of His late Majesty in Council of the Fourth Day of *February* One thousand eight hundred and thirty-three, of the said Judicial Committee of the Fifth Day of *February* One thousand eight hundred and thirty-

three, of the Order of His late Majesty in Council of the Ninth Day of *December* One thousand eight hundred and thirty-three, of an Order of the said Judicial Committee of the Tenth Day of *December* One thousand eight hundred and thirty-three, and an Order of His late Majesty in Council of the Twelfth Day of *August* One thousand eight hundred and thirty-five.

Manner of conducting Appeals before the Judicial Committee.

V. And be it enacted, That, subject to such Rules and Regulations as may from Time to Time be made by the said Judicial Committee with the Approval of Her Majesty in Council, and save and in so much as the Practice thereof may be varied by the said Acts of the Reign of His late Majesty or by this Act, the said Causes of Appeal to Her Majesty in Council shall be commenced within the same Times, and conducted in the same Form and Manner, and by the same Persons and Officers, as if Appeals in the same Causes had been made to the Queen in Chancery, the High Court of Admiralty of *England*, or the Lords Commissioners of Appeals in Prize Causes respectively; and all things otherwise lawfully done and expedited in the said Causes of Appeal by the Registrar of the High Court of Admiralty of *England*, his Deputy or Deputies, in consequence of the passing of the said Acts of the Reign of His late Majesty, shall be deemed to be valid to all Intents whatsoever.

So much of 2 & 3 W. 4. c. 93. as empowers the Judicial Committee and His Majesty in Council to punish Contempts, &c. repealed.

VI. And whereas by the Provisions of the herein-before secondly-recited Act it was enacted, that the said Judicial Committee should have and enjoy in all respects such and the same Power of punishing Contempts and of compelling Appearances, and that His Majesty in Council should have and enjoy in all respects such and the same Powers of enforcing Judgments, Decrees, and Orders, (both *in personam* and *in rem*,) as are given to any Court Ecclesiastical by an Act of Parliament passed in a Session of Parliament of the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of* England *and* Ireland, and that all such Powers as are given to Courts Ecclesiastical, if of punishing Contempts or of compelling Appearances, should be exercised by the said Judicial Committee, and of enforcing Decrees and Orders should be exercised by His Majesty in Council, in such and the same Manner as the Powers in and by such Act of Parliament given, and should be of as much Force and Effect as if the same had been thereby expressly given to the said Committee or to His Majesty in Council; be it enacted, That so much of the said Act as relates to the Powers thereby given to the said Judicial Committee and to His Majesty in Council, under the last-recited Act, shall be repealed.

Punishment of Contempts, compelling Appearances, enforcing Judgments, &c. in

VII. And be it enacted, That for better punishing Contempts, compelling Appearances, and enforcing Judgments of Her Majesty in Council, and all Orders and Decrees of the said Judicial Committee or their Surrogates, in all Causes of Appeal from Ecclesiastical Courts and from Admiralty or Vice Admiralty Courts, Her Majesty in Council and the said Judicial Committee and their Surrogates shall

Causes of Appeal.

shall have the same Powers, by Attachment and Committal of the Person to any of Her Majesty's Gaols, and subsequent Discharge of any Person so committed, as by any Statute, Custom, or Usage belong to the Judge of the High Court of Admiralty of *England;* and the said Judicial Committee shall have the same Immunities and Privileges as are conferred on the Judge of the High Court of Admiralty of *England* under an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of* England, as fully as if the same had been thereby expressly given to the said Judicial Committee.

3 & 4 Vict. c. 65.

Orders, &c. may be enforced by Sequestration against certain Persons pronounced contumacious and in Contempt.

VIII. And be it enacted, That in all Causes of Appeal to Her Majesty in Council from Ecclesiastical Courts, and from Admiralty or Vice Admiralty Courts, in which any Person duly monished or cited or required to comply with any lawful Order or Decree of Her Majesty in Council, or of the said Judicial Committee or their Surrogates, and neglecting or refusing to pay Obedience to such lawful Order or Decree, or committing any Contempt of the Process under the Seal of Her Majesty in Ecclesiastical and Maritime Causes, shall reside out of the Dominions of Her Majesty, or shall have Privilege of Peerage, or shall be a Lord of Parliament or a Member of the House of Commons, it shall be lawful for the said Judicial Committee or their Surrogates to pronounce such Person to be contumacious and in Contempt, and after he shall have been so pronounced contumacious and in Contempt to cause Process of Sequestration to issue under the said Seal of Her Majesty against the Real and Personal Estate, Goods, Chattels, and Effects, wheresoever lying within the Dominions of Her Majesty, of the Person against or upon whom such Order or Decree shall have been made, in order to enforce Obedience to the same, and Payment of the Expences attending such Sequestration, and all Proceedings consequent thereon, and to make such further Order in respect of or consequent on such Sequestration, and in respect to such Real and Personal Estate, Goods, Chattels, and Effects sequestrated thereby, as may be necessary, or for Payment of Monies arising from the same to the Person to whom the same may be due or into the Registry of the High Court of Admiralty and Appeals for the Benefit of those who may be ultimately entitled thereto.

Inhibitions, &c. to be in Her Majesty's Name, and of force throughout the British Dominions.

IX. And be it enacted, That all Inhibitions, Citations, Monitions, and other Instruments incidental to or arising out of such Causes of Appeal shall be issued in the Name of Her Majesty, and under Seal of Her Majesty in Ecclesiastical and Maritime Causes, and shall be of full Authority in all Places throughout the Dominions of Her Majesty.

Monitions for Payments into the Registry of the Admiralty Court under Orders, &c.

X. And be it enacted, That in all Appeals in Ecclesiastical and Maritime Causes to Her Majesty in Council it shall be lawful for Her Majesty in Council, and the said Judicial Committee or their Surrogates, at the Petition of any Person interested in the same, to decree Monitions for the Transmission of any Sum or Sums of Money respecting which any Order or Decree may be made, or any

Questions

Questions may be depending arising out of such Causes, and the Proceeds of all Ships or Vessels, Goods, and Cargoes respecting which any Appeals may be depending, into the Registry of the High Court of Admiralty and Appeals, for the Benefit of the Person or Persons who may be ultimately entitled thereto, or for Payment thereof to the Person to whom the same may be lawfully due.

All Appeals from Ecclesiastical and Admiralty Courts may be referred to the Judicial Committee by an Order in Council.

XI. And be it enacted, That it shall be lawful for Her Majesty, by Order in Council, to direct that all Causes of Appeal from Ecclesiastical Courts, and from the Vice Admiralty Court of the *Cape of Good Hope*, and all Vice Admiralty Courts to the Westward thereof, in which the Appeal and Petition of Reference to Her Majesty shall have been lodged in the Registry of the High Court of Admiralty and Appeals within Twelve Calendar Months from the giving or pronouncing of any Order, Decree, or Sentence appealed from, and all Causes of Appeal from Vice Admiralty Courts to the Eastward of the *Cape of Good Hope*, in which the Appeal and Petition of Reference to Her Majesty shall have been lodged in the Registry of the High Court of Admiralty and Appeals within Eighteen Calendar Months from the giving or pronouncing any Order, Decree, or Sentence appealed from, shall be referred to the Judicial Committee of the Privy Council, and the said Judicial Committee and their Surrogates shall have full Power forthwith to proceed in the said Appeals, and the usual Inhibition and Citation shall be decreed and issued, and all usual Proceedings taken, as if the same had been referred to the said Judicial Committee by a special Order of Her Majesty in Council in each Cause respectively.

Costs may be awarded by the Judicial Committee, and taxed.

XII. And be it declared and enacted, That as well the Costs of defending any Decree or Sentence appealed from as of prosecuting any Appeal, or in any Manner intervening in any Cause of Appeal, and the Costs on either Side, or of any Party, in the Court below, and the Costs of opposing any Matter which shall be referred to the said Judicial Committee, and the Costs of all such Issues as shall be tried by Direction of the said Judicial Committee respecting any such Appeal or Matter, shall be paid by such Party or Parties, Person or Persons, as the said Judicial Committee shall order, and that such Costs shall be taxed as in and by the said Act for the better Administration of Justice in the Privy Council is directed respecting the Costs of prosecuting any Appeal or Matter referred by Her Majesty under the Authority of the said Act, save the Costs arising out of any Ecclesiastical or Maritime Cause of Appeal, which shall be taxed by the Registrar herein-after named, or his Assistant Registrar.

Appointment of Registrar and Assistant Registrar in Ecclesiastical and Maritime Causes. 3 & 4 Vict. c. 66.

XIII. And be it enacted, That the Registrar of the High Court of Admiralty of *England* for the Time being may be appointed by Her Majesty to be Registrar of Her Majesty in Ecclesiastical and Maritime Causes, and shall have Power to appoint an Assistant Registrar, as provided by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to make Provision for the Judge, Registrar, and Marshall of the High Court of Admiralty of* England, and shall during his good Behaviour, and while he shall be

be Registrar of the said High Court of Admiralty, hold his Office of Registrar of Her Majesty in Ecclesiastical and Maritime Causes, and shall do all such Things, and shall have the same Powers and Privileges in respect to the same, as belong to his Predecessors in the Office of Registrar of His Majesty in Ecclesiastical and Maritime Causes.

Custody of Records, &c. of the Court of Delegates and Appeals.

XIV. And be it enacted, That all Records, Muniments, Books, Papers, Wills, and other Documents remaining in the Registry of the High Court of Admiralty and Appeals, appertaining to the late High Court of Delegates and Appeals for Prizes, shall be and remain in the Custody and Possession of the said Registrar of Her Majesty in Ecclesiastical and Maritime Causes.

Judicial Committee empowered to make Rules, &c. respecting Practice and Mode of proceeding in Appeals, &c.

Proviso.

XV. And be it enacted, That it shall be lawful for the said Judicial Committee from Time to Time to make such Rules, Orders, and Regulations respecting the Practice and Mode of proceeding in all Appeals from Ecclesiastical and Admiralty and Vice Admiralty Courts, and the Conduct and Duties of the Officers and Practitioners therein, and to appoint such Officer or Officers as may be necessary for the Execution of Processes under the said Seal of Her Majesty, and in respect to all Appeals and other Matters referred to them, as to them shall seem fit, and from Time to Time to repeal or alter such Rules, Orders, or Regulations: Provided always, that no such Rules, Orders, or Regulations shall be of any Force or Effect until the same shall have been approved by Her Majesty in Council.

Judicial Committee of Privy Council to proceed with Causes depending before late High Court of Delegates.

XVI. And whereas, in certain Causes which were depending before the late High Court of Delegates, certain Decrees or Orders were made and interposed, and are not yet fully carried into effect: And whereas, in consequence of the Death of the Judges Delegate, or some of them, named in the several Commissions under the Great Seal, such Decrees or Orders cannot be carried into effect; be it enacted, That all such Causes of Appeal and Complaint which were depending before the High Court of Delegates, and in which any Decree, Order, or Thing, for the Reason lastly herein-before mentioned, is outstanding and not fully ended and determined, shall be transferred to the Judicial Committee of the Privy Council; and the said Judicial Committee shall take up and proceed with the said Causes in the same Manner as if the same had been originally Causes of Appeal and Complaint depending before the said Judicial Committee.

Definition of Terms.

XVII. And be it enacted, That in this Act all Words denoting a Male Person shall be taken to include a Female also, and all Words denoting one Person or Thing shall be taken to include also several Persons or Things, unless a contrary Sense shall clearly appear from the Context; and that the Words "Arches Court of *Canterbury*," used in this Act, shall be construed to extend to such Court as shall exercise the Jurisdiction of the said Court or be substituted for the same; and that wherever the Words "Ecclesiastical Court" have been used in this Act the same shall be construed to extend to such Court as shall exercise the Jurisdiction or any Part of the Jurisdiction exercised by any Ecclesiastical Court or be substituted

for the same; and the Words "Ecclesiastical and Maritime Cause of Appeal" shall be construed to extend to Causes appealed from Ecclesiastical Courts and such Court as shall exercise the Jurisdiction or any Part of the Jurisdiction exercised by any Ecclesiastical Court or be substituted for the same.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXXIX.

An Act for Confirmation of certain Marriages in *Ireland*. [28th *July* 1843.]

All Marriages celebrated in Ireland since the passing of 5 & 6 Vict. c. 113. and before the passing of this Act, by Presbyterian or other Protestant Dissenting Ministers, to be of the same Force in Law as if solemnized by Clergymen of the Established Church.

WHEREAS Marriages have in divers Instances been had and celebrated in *Ireland*, by Presbyterian and other Protestant Dissenting Ministers or Teachers, or those who at the Time of such Marriages had been such, between Persons being of the same or different religious Persuasions; and it is expedient to confirm such Marriages: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages had and celebrated in *Ireland* since the passing of an Act passed in the last Session of Parliament, intituled *An Act for Confirmation of certain Marriages in* Ireland, and before the passing of this Act, by Presbyterian or other Protestant Dissenting Ministers or Teachers, or those who at the Time of such Marriages had been such, shall be, and shall be adjudged and taken to have been and to be, of the same Force and Effect in Law as if such Marriages had been had and solemnized by Clergymen of the United Church of *England* and *Ireland*, and of no other Force nor Effect whatsoever.

II. And

Act may be amended this Session.

II. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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petual by an Act passed in the Ninth Year of the Reign of Her said
9 Anne, c. 30. late Majesty Queen *Anne*, intituled *An Act for reviving and continuing an Act made in the First Year of Her Majesty's Reign, for the more effectual preventing Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom:* And whereas an Act was passed in the Twelfth Year of the Reign of His late Majesty King *George* the
12 G. 1. c. 34. First, intituled *An Act to prevent unlawful Combination of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages:* And whereas an Act was passed in the Thirteenth
13 G. 2. c. 8. Year of His late Majesty King *George* the Second, intituled *An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the more 'effectual preventing the Abuses and Frauds of Persons employed 'in the working up the Woollen, Linen, Fustian, Cotton, and Iron 'Manufactures of this Kingdom;' and also for extending the said Act to the Manufacture of Leather:* And whereas an Act was passed in the Twenty-second Year of the Reign of His late Majesty King
22 G. 2. c. 27. *George* the Second, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages:* And whereas another Act was passed in the Seventeenth Year of the
17 G. 3. c. 56. Reign of His late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and also for making Provisions to prevent Frauds by Journeymen Dyers:* And whereas an Act was passed in the Thirty-second Year of His late Majesty King *George* the Third,
32 G. 3. c. 44. intituled *An Act for extending the Provisions of an Act made in the Thirteenth Year of the Reign of His present Majesty, intituled 'An 'Act to empower the Magistrates therein mentioned to settle and 'regulate the Wages of Persons employed in the Silk Manufactures 'within their respective Jurisdictions,' to Manufactures of Silk mixed with other Materials; and for the more effectual Punishment of Buyers and Receivers of Silk purloined and embezzled by Persons employed in the Manufacture thereof:* And whereas the Provisions of the said Acts have not been effectual to prevent Frauds, Embezzlements, and Abuses by Persons employed in the Woollen, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and it is expedient to repeal so much of the said recited Acts as relates to the said Manufactures, and to make further Provisions in lieu thereof, as well for the Benefit and Encouragement of Trade and Manufactures as for the Security of the Property of Manufacturers and the Wages of the Workmen engaged in the said Manufactures: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

and

and by the Authority of the same, That from and after the Commencement of this Act so much of the said recited Acts or any of them as relates to the Woollen, Linen, Cotton, Flax, Mohair, and Silk Manufactures, or any of them, or any Manufactures whatsoever made of Wool, Cotton, Flax, Mohair, or Silk Materials, whether the same be or be not mixed with each other or with any other Materials, shall, so far as respects the Manufactures, Trades, Occupations, and Employments herein-after mentioned, be and the same are hereby repealed, save and except so far as the same may have repealed any former Acts or Enactments.

So much of the said Acts as relates to the Woollen, Linen, Cotton, Flax, Mohair, and Silk Manufactures repealed.

II. And be it enacted, That if any Person whosoever intrusted with any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, for the Purpose of being prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, or for any Purpose or Work connected with Manufacture or incidental thereto, or any Parts, Branches, or Processes thereof, or any Tools or Apparatus for manufacturing the said Materials, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same Materials, Tools, or Apparatus, or any Part thereof, he shall, upon being thereof lawfully convicted by the Oath of the Owner of such Materials, Tools, or Apparatus, or any Part thereof, or of any other credible Witness or Witnesses, before Two or more Justices of the Peace, forfeit the full Value of the same, and also forfeit such Penalty, not exceeding Ten Pounds, together with Costs, as to the said Justices shall seem meet; and every such Forfeiture and Penalty shall be applied, under the Direction of the convicting Justices, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think proper; and the Remainder, if any, shall be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under this Act; and in default of Payment of such Forfeiture and Penalty, with Costs, immediately on Conviction, or within such Period as the Justices so convicting may direct, the said Justices may issue their Warrant to distrain and sell the Goods and Chattels of the Person so convicted, for the Amount thereof, and Costs; and the Proceeds of any Distress, after paying the Penalty, Forfeiture, and Costs, and also the Costs of such Distress, shall be paid over to the Person convicted; but if no sufficient Distress shall appear or shall be found whereon to levy the said Penalty, Forfeiture, and Costs, the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, to be there imprisoned, with or without hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Three Calendar Months, unless the Amount of such Forfeiture and Penalty, with Costs, or so much thereof as shall not have been paid previously to the Commencement of such Imprisonment, be sooner paid.

Persons convicted of pawning or embezzling any of the Materials herein particularized to forfeit the Value of the same, with Penalty, and Costs.

Application of Penalty and Forfeiture.

Distress Warrant on Nonpayment.

Commitment in default of sufficient Distress.

III. And be it enacted, That if any Person whosoever intrusted with any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials,

Persons neglecting to return Materials within

a prescribed Time to be subject to the same Punishment as for Embezzlement.

Materials, for the Purpose of being prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, or for any Purpose or Work connected with Manufacture or incidental thereto, or any Parts, Branches, or Processes thereof, or with any Tools or Apparatus for manufacturing the said Materials, shall neglect or delay to return the said Materials, Tools, or Apparatus, or any Part thereof, for the Space of Fourteen clear Days after being required so to do by the Party intrusting him therewith, or by some Person on his Behalf, by Notice in Writing to be served upon or left at the last or usual Place of Abode or Business of such Person (unless prevented by some reasonable and sufficient Cause, to be allowed by the Justices before whom he shall be brought), then and in every such Case all, or so much or so many of the said Materials, Tools, or Apparatus as shall not be returned to the Person so intrusting him therewith within the Time aforesaid, shall be deemed to be embezzled by the Person so neglecting or delaying to return the same; and the Person so neglecting or delaying to return the same shall for every such Offence be liable to be proceeded against for Embezzlement, in the same Manner, and subject to the same Forfeiture and Penalty, with Costs, and to be applied in the same Manner, as are respectively herein-before prescribed and imposed in respect to Persons selling, pawning, purloining, embezzling, secreting, exchanging, or otherwise fraudulently disposing of the said Materials.

Persons knowingly purchasing or receiving embezzled Materials or Tools guilty of a Misdemeanor, punishable as after mentioned.

IV. And be it enacted, That any Person who shall purchase or take in pawn, or who in any other Way shall receive into his Premises or Possession, any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, and whether the same or any Part of the said Materials be or be not wholly or partially wrought, made up, or manufactured into merchantable Wares, or any Tools or Apparatus for manufacturing the same, knowing that such Materials, Tools, or Apparatus are purloined or embezzled or fraudulently disposed of, or that the Person from whom he shall purchase, take in pawn, or receive the same is fraudulently or unlawfully disposing thereof, or knowing such Person to be employed or intrusted by any other Person or Persons to work up either by himself or by or with others the Materials so purchased, taken in pawn, or received for any other Person or Persons, and not having first obtained the Consent of the Person or Persons so employing or intrusting him therewith, shall, on Conviction by the Oath of the Owner or of any other credible Witness or Witnesses, be deemed and adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned.

Persons knowingly selling, &c. embezzled Materials or Tools, guilty of a Misdemeanor, punishable as aftermentioned.

V. And be it enacted, That if any Person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such Materials, Tools, or Apparatus as aforesaid, knowing the same to have been so purloined or embezzled or received from Persons fraudulently disposing thereof as aforesaid, he shall, on Conviction by the Oath of the Owner of such Materials, Tools, or Apparatus, or any Part thereof, or of any other credible Witness or Witnesses, be deemed and

adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned.

Justices empowered to issue Warrant for Apprehension of Offenders against this Act, and to commit them for Trial.

VI. And be it enacted, That on Proof on Oath that there is just Cause to suspect that any such Materials, Tools, or Apparatus as aforesaid have been fraudulently sold, pawned, pledged, purloined, or embezzled by the Person to whom the same were intrusted, or that any such Materials, Tools, or Apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise unlawfully disposed of, or offered for sale, pawn, pledge, exchange, or other disposal, by any Person knowing the same to have been purloined or embezzled or received from some Person fraudulently disposing thereof, it shall and may be lawful for any One Justice of the Peace and such Justice is hereby required to issue his Warrant for apprehending any such Person, and bringing him before him or some other Justice of the Peace for Examination; and if upon such Examination the Charge of having fraudulently sold, pawned, purloined, embezzled, or otherwise fraudulently disposed of any such Materials, Tools, or Apparatus, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or of having offered for sale, pawn, pledge, exchange, or other disposal, any such Materials, Tools, or Apparatus, knowing them to have been purloined or embezzled or received from some Person fraudulently disposing thereof, shall be supported by Evidence to raise a strong Presumption of Guilt, such Justice shall commit such Person to the Common Gaol or House of Correction, in order that he may be brought forward for Trial at the next Petty Sessions, unless he enter into such Bail, with Two sufficient Sureties, as may be required for his Appearance before such Court on any Day to be fixed by such Justice.

Workmen neglecting to fulfil their Engagements, not finishing their Work, or leaving without Notice.

VII. And be it enacted, That if any Person intrusted, employed, or contracting to prepare, work up, or manufacture, or to have prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed by or under him, any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, shall not prepare, work up, or manufacture, or cause to be prepared, worked up, or manufactured, the said Materials, and return the same, within Seven clear Days after the Time which shall have been agreed upon between such Person and the Owner of the said Materials, or other the Person intrusting him therewith, and in case no such Time shall have been so agreed upon then within Seven clear Days after being required so to do (unless prevented by some reasonable and sufficient Cause, to be allowed by the Justices before whom he shall be brought), or shall leave or return such Materials without having performed as he could and ought to have done the Work he was employed to perform thereon or thereto, and without the Consent of the Person intrusting him with such Materials as aforesaid, or shall damage the same, or if any Person shall contract or engage to work, or be employed to do or perform, or to have done or performed any Work, in any of the said Manufactures, or connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof,

thereof, either by himself or by any Person or Persons to be employed by or under him, and whether such Contract or Engagement shall be to work or be employed for any Person exclusively, or for all or Part of his Time, or for specific Work, or otherwise, and whether such Person is to be paid according to the Value or Amount of the Work done, the Time employed, or in any other Manner whatsoever, and shall neglect to fulfil such Contract or Engagement, or absent himself from such Work or Employment before such Notice (if any) as shall have been agreed upon between the said Parties for determining the said Contract or Engagement shall have expired, or without giving such Notice, or contrary to the Terms of such Contract or Engagement (unless prevented as aforesaid), to be allowed as aforesaid, then and in every such Case such Person, being thereof lawfully convicted on Oath before Two or more Justices of the Peace, shall forfeit any Sum not exceeding Two Pounds as to such Justices shall seem meet, and also, in case the said Materials shall be damaged, the Amount of the Injury done thereto, to be ascertained by the said Justices, together with Costs; and every such Forfeiture shall be applied, under the Direction of the Justices so convicting, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think proper, and the Remainder, if any, shall be applied in the same Manner as any Penalty under this Act; and in default of Payment of such Forfeiture and Costs immediately on Conviction, or within such Period as the Justices so convicting shall direct, the said Justices may either immediately or at any Time after such Conviction commit any Person so convicted to the Common Gaol or House of Correction, there to be imprisoned, with or without hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Two Calendar Months, unless the Amount of such Forfeiture and Costs be sooner paid.

Penalty.

Justice empowered to grant Search Warrants.

VIII. And be it enacted, That upon Proof on Oath before a Justice of the Peace that there is reasonable Cause to suspect that any Person has in his Possession or on his Premises any such Materials, Tools, or Apparatus as aforesaid, which have been purloined, embezzled, or otherwise fraudulently disposed of, it shall be lawful for the said Justice and such Justice is hereby required to grant his Warrant to search the Dwelling House and Premises of such Person, and if any such Property shall be found therein to cause such Materials, Tools, or Apparatus, and the Person in whose Possession or on whose Premises the same shall be found, to be brought before him or some other Justice of the Peace, to be dealt with in the same Manner as any Person brought before a Justice under the Enactment next herein-after contained.

Peace Officers to apprehend suspected Persons.

IX. And be it enacted, That every Peace Officer and Constable and every Watchman duly appointed by Law, during such Time as he shall be on Duty, shall and may apprehend or cause to be apprehended any Person whom he may reasonably suspect of having, or carrying or in any way conveying, at any Time after Sun-setting and before Sun-rising, any such Materials, Tools, or Apparatus as aforesaid, suspected to be purloined, embezzled, or otherwise fraudulently disposed of, and shall lodge such Person, together with the

Property, in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace so soon as convenient, who is hereby empowered to discharge such Person, or to order his Detention until the next Court of Petty Sessions, unless he enter into such Bail, with Two sufficient Sureties, as may be required, for his Appearance before such Court on any Day to be fixed by the said Justice; and if the Person so apprehended in the Act of committing any such Offence as aforesaid, or of conveying any such Property as last aforesaid, shall not produce before the said Court the Person duly entitled to dispose of such Property from whom he bought or received the same, or shall not give an Account to the Satisfaction of the said Court that the Property is honestly come by, then the Person so apprehended shall be deemed and adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned, although no Proof shall be given as to whom such Property belongs.

Persons apprehended, and not proving that the Property is honestly come by, to be punishable.

X. And be it enacted, That it shall be competent for the Party accused, in all Proceedings brought under Authority of this Act, to move for and obtain an Adjournment of the Time fixed for Trial for such a reasonable Time as may appear to the Court to be necessary for the Party accused to produce the Person duly entitled to sell or dispose of the said Property of whom he bought or received the same, or Evidence respecting the same; but the Party accused, and requesting such Adjournment, shall be detained in Custody or committed to Prison, unless he enter into such Bail, with Two sufficient Sureties, as shall be required for his Appearance before such Court at such Time and Place as shall be appointed.

Adjournment of Time for Trial allowed, on Prisoner finding Bail.

XI. And be it enacted, That any Person who shall be deemed and adjudged guilty of a Misdemeanor, agreeably to any of the Provisions of this Act, shall, in addition to being deprived without Compensation of any such Materials, Tools, and Apparatus which have been purloined, embezzled, or otherwise fraudulently disposed of, and which shall have been found in his Possession, forfeit any Sum not exceeding Twenty Pounds for each Offence, together with Costs, upon being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, before Two or more Justices of the Peace; and every such Forfeiture shall be applied, under the Direction of the Justices so convicting, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think fit, and the Remainder, if any, shall be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under this Act; and in default of Payment of such Forfeiture and Penalty, with Costs, immediately on Conviction, or within such Period as the Court shall direct, any Justice or Justices may issue his or their Warrant to distrain and sell the Goods and Chattels of the Person so convicted, for the Amount thereof, and Costs; and the Proceeds of any Distress, after paying the Forfeiture and Costs, and also the Costs of such Distress, shall be paid over to the Person convicted; but if no sufficient Distress shall appear or shall be found whereon to levy the said Forfeiture and Costs, any Justice or Justices may, either immediately or at any Time after such

Punishment of Persons convicted of Misdemeanor.

such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, to be imprisoned there, with or without hard Labour, as to the said Court shall seem meet, for any Term not exceeding Four Calendar Months, unless the Amount of such Forfeiture and Costs, or so much thereof as shall not have been paid previously to the Commencement of such Imprisonment, be sooner paid.

Disposal of unclaimed Property which has been seized.

XII. And be it enacted, That where no Proof shall be given at the Time of Conviction of the Ownership of Property found in the Possession of a Person convicted under this Act, the Justices or Court shall cause the Property so found to be deposited in some safe Place for any Time not exceeding Thirty Days, and shall, if the Property be of sufficient Value to pay the Expences thereof, order an Advertisement to be inserted in One or more of the public Newspapers of the Town or City where, or nearest the Place where, the same was found, and by fixing a Notice on some public Place describing such Property, and where the same may be inspected, or in case of the said Property not being of sufficient Value to pay the said Expences, then by fixing such Notice as aforesaid only; and in case any Person shall prove his own or his Employer's Ownership or Property therein upon Oath to the Satisfaction of a Justice, Restitution of such Property shall be ordered to the Owner thereof, after paying the reasonable Cost of removing, depositing, advertising, and giving Notice of the same; but if no Ownership be proved to such Property the Justice shall, at the Termination of Thirty Days, order such Property to be sold, and after deducting the Charges aforesaid, with the Charges of Sale, shall order the Residue to be applied in the same Manner as is hereafter directed for the Disposal of any other Penalty under this Act.

Owner of Materials may inspect Shops, &c. of Persons employed.

XIII. And be it enacted, That it shall be lawful for the Owner of any such Materials as aforesaid, or any other Person duly authorized by him, or other the Person who shall have so intrusted such Materials, from Time to Time, as Occasion shall require, to demand Leave of Entrance and enter at all reasonable Hours in the Daytime into the Shops or Outhouses of any Person employed to work up or manufacture, either by himself or by any other Person under him, any of the said Materials, or other Place or Places where the Work shall be carried on, and there to inspect the State and Condition of such Materials; and in case of Refusal or Neglect by any such Person or Persons so employed to permit such Entrance or Inspection, such Person shall, for so refusing to permit such Entrance or Inspection, forfeit any Sum not exceeding Twenty Shillings, as the Justices before whom he shall appear or be brought shall think proper, to be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under this Act: Provided always, that nothing herein contained shall authorize any such Owner or other Person as aforesaid to inspect any Frame, Tools, or Apparatus wherewith such Materials are worked up, in case such Frame, Tools, or Apparatus comprise any new Invention or Improvement not disclosed to the Public.

Penalty for Refusal.

Proviso.

XIV. And

Warrant may be granted by Justice on Complaint on Oath that Person is about to abscond.

XIV. And be it enacted, That if any Manufacturer, Agent, or any other Person in his Employment or Service, shall make Oath before a Justice of the Peace that any such Materials, Tools, or Apparatus as aforesaid have been intrusted to any Person as aforesaid, and that he has absconded, or that the Deponent has just Cause to suspect and does suspect that such Person is about to abscond, it shall be lawful for such Justice and he is hereby required to issue his Warrant to apprehend such Person, and bring him before him or some other Justice of the Peace; and if such Person shall have absconded, or shall not forthwith give Security, to be approved of by the said Justice, for the Return in a finished State of all such Materials so intrusted to him, within such Time as shall be then agreed on, such Justice shall by Warrant order any Constable, with his Assistants, to enter the House or other Premises of such Person, and take possession of all such Materials, Tools, or Apparatus so delivered to him as aforesaid, and to bring the same before the said Justice or any other Justice, when such Justice shall direct the same to be delivered to the Owner, or his Agent or Servant, or other Person duly authorized by him, and shall forthwith release the Person in Custody; but if all such Materials, Tools, or Apparatus shall not be found in the House or other Premises or the Possession of such Person, or shall not be produced before such Justice, such Person shall be deemed and taken to have purloined or embezzled such Materials, Tools, or Apparatus, or such Part thereof as shall not be found or produced, and shall be liable to any of the Punishments awarded for such Offence.

Receiving Goods in fictitious Name.

XV. And be it enacted, That if any Person shall receive any of the aforesaid Materials in a fictitious Name, in order to be manufactured, every such Person so offending, and being convicted thereof on the Oath of One or more credible Witness or Witnesses before Two or more Justices, shall for every such Offence be liable to the same Punishment as is herein-before directed in respect to Persons not fulfilling their Engagements.

Justice to issue Warrant to Constable to take possession of Property intrusted to any Person committed for Embezzlement, &c.

XVI. And be it enacted, That in Cases where any Person shall have been committed for purloining, embezzling, or fraudulently disposing of all or any Part of such Materials, Tools, or Apparatus as aforesaid, which may have been intrusted to him, or shall have been convicted of any other Offence against any of the Provisions of this Act, it shall be lawful for the Justice who so committed such Person, or for any Justice or Court before whom he has been convicted for that or any other Offence, and he or they is or are hereby required, to issue his or their Warrant authorizing a Constable, with his Assistants, to enter the House and Premises of such Person, and take possession of all such Property so intrusted as shall be found therein, and to bring the same before the said Justice or Court, when the said Justice or Court shall direct the same to be delivered to the Manufacturer, Agent, or Person duly authorized to receive the same.

Recovery of Wages and Sums due for Work.

XVII. And be it enacted, That if any Manufacturer or other Party employing, contracting, or engaging with any Person for any Work in any of the said Manufactures, or connected therewith or incidental thereto,

thereto, or any Parts, Branches, or Processes thereof, and whether such Work is to be performed by the said Person, or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, and whether the Contract or Engagement shall be to work or be employed for such Manufacturer or other Party exclusively, or for all or Part of his Time, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money, Wages, and Hire as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issuetheir Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished, in which Case such Person shall not be liable to the Penalties awarded by this Act.

Frames, &c. not belonging to Workmen not liable to be seized for Rent or Debt owing by Workmen.

XVIII. And be it enacted, That no Frame, Loom, or Machine, Materials, Tools, or Apparatus, which shall be intrusted for the Purpose of being used or worked in any of the said Manufactures, or any Work connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, whether such Frame, Loom, or Machine, Materials, Tools, or Apparatus, shall or shall not be rented or taken by the hire, shall at any Time or Times hereafter be distrained or seized, or be liable to be distrained or seized, for Rent or for Debt, or under any Execution or other Proceedings whatever, unless the Rent be due or the Money be owing by the Owner of the said Frame, Loom, or Machine, or of the said Materials or Tools or Apparatus aforesaid, or of any Part thereof respectively.

In case of Refusal to restore Frames, &c. unlawfully seized, Justice may order their Restoration.

XIX. And be it enacted, That if any Landlord or other Person, by virtue of any Distress Warrant, Execution, or other Proceedings for Rent in arrear, or Money due or alleged to be due by any Person whomsoever, shall distrain, seize, carry off, sell, or otherwise dispose of any Frame, Loom, or Machine, Materials, Tools, or Apparatus, belonging to any other Person, which shall have been intrusted for the Purpose of being used or worked in any of the said Manufactures, or any Work connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, and whether the same shall or shall not be rented or taken by the hire, or shall distrain, seize, carry off, sell, or otherwise dispose of any Materials as aforesaid, or any Tools or Apparatus as aforesaid, belonging to any other Person, and shall refuse to restore Possession of all such Frames, Looms, Machines, Tools, or Apparatus to the Person owning, letting, or

or intrusting the same, when demanded by him, or some Person duly authorized by him, of the said Landlord or other Person, or the Person acting as Agent or Bailiff of such Landlord or other Person, it shall and may be lawful to and for any Justice of the Peace, upon Complaint on Oath before him, to summon the said Landlord or other Person to appear before any Two or more Justices of the Peace to answer the said Complaint, and on Proof of the said Offence the said Justices may thereupon order the Property so seized, distrained, carried off, or sold to be forthwith restored, and issue their Warrant to a Constable or Constables empowering him or them to seize the said Property wherever the same shall be found, and deliver Possession thereof to the Person owning, letting, or intrusting the same, and to levy, by Distress and Sale of the Goods of the said Landlord or other Person, the Costs of obtaining the said Order, and recovering and obtaining Possession of the said Property; and in case the said Property cannot be found and seized within a Time not exceeding Twenty-one Days, to be limited in the said Warrant, or in case the said Property shall have been damaged by the same having been distrained, seized, carried off, or sold, then it shall be lawful for such Two Justices, or any other Two Justices, on Proof thereof, (the said Landlord or other Person having been first summoned by a Justice,) to issue their Warrant to levy by Distress and Sale of the Goods and Chattels of such Landlord or other Person the full Value of the said Property, or the Amount of such Damage, as the Case may be, together with all Costs of recovering and levying the same.

Penalty for obliterating Mark on Machine.

XX. And be it enacted, That if any Person or Persons shall obliterate, efface, or alter the Owner's Name or Initials, or other distinguishing Mark, on any Frame, Loom, or Machine, or any Bar or Part thereof, or the Moulds thereof, without the Order or Authority of the Owner thereof, he shall, on Conviction thereof before Two Justices of the Peace, forfeit any such Sum not exceeding Two Pounds as such Two Justices shall order and direct, to be applied, in the first place, in paying the Costs of the Proceedings before such Justices, and the Surplus, if any, to the Party injured; and in default of Payment of such Forfeiture immediately on Conviction, or within such Period as the Justices so convicting shall direct, then the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, there to be imprisoned, with or without hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Two Calendar Months, unless the Amount of such Forfeiture be sooner paid.

Power to award Costs to Defendant.

XXI. And for the Discouragement of frivolous and vexatious Informations and Prosecutions under this Act, be it enacted, That it shall be lawful for any Justices or Court of Petty Sessions before whom any Case under this Act is tried to award Costs to the Defendant, with an Allowance for his Loss of Time, in case of Acquittal, to be paid by the Prosecutor; and also, if it shall appear to such Justices or Court that the Charge was made from a malicious, vexatious, or frivolous Motive, or in case the Party shall be charged with Embezzlement

zlement of Materials, by reason of any Deficiency in the Weight of the Materials which he shall have returned to the Person by whom they were intrusted to such Party, as compared with the Weight of the Materials received, and it shall be proved upon the hearing of the Case that such Materials were knowingly and fraudulently delivered to the Party charged whilst in a damp State, so that the apparent Weight thereof was thereby increased, it shall be lawful for such Justices or Court to award to the Defendant such further Sum of Money not exceeding Twenty Pounds as to such Justices or Court shall seem fit, to be paid by such Prosecutor as a Compensation for the Injury done; and in default of Payment such Costs and Allowances and Compensations may be levied by Distress and Sale of the Prosecutor's Goods.

Mode of proceeding to enforce Appearance.

XXII. And be it enacted, That where any Person shall be charged on Oath with any Offence punishable under this Act One Justice may receive the original Information and summon the Person charged to appear before any Two Justices of the Peace at a Time and Place to be named in such Summons, and if he shall not appear accordingly then the Justices there present may either proceed to hear and determine the Case *ex parte*, or any of such Justices may issue a Warrant for apprehending such Person, and bringing him to answer the said Charge before any Two or more Justices, or the Justice before whom the Charge shall be made may, if he shall so think fit, issue such Warrant in the first instance, without any previous Summons, and commit the Person so charged to Prison, in order that he may be brought forward for Trial (unless he enter into such Bail as may be required by such Justice for his Appearance at such Time and Place as shall be appointed); and the Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case; and after Adjudication all and every the subsequent Proceedings to enforce Obedience thereto, whether respecting the Penalty, Forfeiture, Distress, Imprisonment, Costs, or other Matter or Thing relating thereto, may be enforced by any One of the said Justices.

After Adjudication Proceedings may be enforced by One of the Justices.

Service of Summons.

XXIII. And be it enacted, That every Summons to be granted by a Justice of the Peace under this Act may be served by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate.

Limitation of Time within which Proceedings to be commenced.

XXIV. Provided always, and be it enacted, That every Complaint and Prosecution under this Act shall be commenced within Six Calendar Months after the Commission of the Offence, unless the offending Party shall have in the meantime left the Country, and not otherwise; and that the Informer or Prosecutor, or any Person aiding, abetting, party or privy to the Commission of the Offence charged, shall in every Case under this Act be deemed a competent Witness to prove the Offence.

Prosecutor, &c. a competent Witness.

What Justices to have Jurisdiction.

XXV. And be it enacted, That in all Complaints, Warrants, Proceedings, or Prosecutions under this Act, any Justice or Justices

of the Peace, and the Court of Petty Sessions for the County, City, Borough, or Place where the Offence shall be committed or the Complaint arise, or where the said Materials, Frame, Loom, Machine, Tools, or Apparatus shall be given out or intrusted, lent or hired, or where the Manufacturer, Master, or Employer shall carry on his Trade or Business, shall have full Power and Authority to act, and to hear and determine such Complaint, Warrant, Proceeding, or Prosecution, and do all other Matters incident thereto: Provided always, that in all Convictions or Adjudications under this Act One at least of the convicting or adjudicating Justices shall be a Person not engaged in any Manufacture, Trade, Occupation, or Employment to which this Act extends, and shall not be the Father, Son, or Brother of any such Person. Proviso.

XXVI. And be it enacted, That all Forfeitures and Penalties upon Convictions under this Act not specially provided for shall be paid to the Sheriff or other proper Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* Application of Penalties. 3 G. 4. c. 46.

XXVII. And be it enacted, That in every Case of summary Conviction or Adjudication under this Act, not specially provided for, where the Sum forfeited or adjudged to be paid, or which shall be imposed as a Penalty, by any Justice or Justices of the Peace, together with Costs, if awarded, which Costs such Justice or Justices is and are hereby authorized to award, if he or they shall think fit, in any Proceeding, Adjudication, or Conviction under this Act, shall not be paid immediately, or within such Period as the said Justice or Justices shall direct, or where a Warrant of Distress shall be issued, and no sufficient Distress shall be found, it shall be lawful for the convicting Justice or Justices to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned, with or without hard Labour, according to the Discretion of the said Justice or Justices, for any Term not exceeding Two Calendar Months, when the Amount of the Sum forfeited or adjudged to be paid, or of the Penalty imposed, together with Costs, shall not exceed Five Pounds, and for any Term not exceeding Three Calendar Months in any other Case, unless the Amount and Costs be sooner paid. Scale of Imprisonment on summary Convictions not specially provided for.

XXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up on Paper or Parchment in the following Form of Words, or in any other Form of Words to the like Effect, and with such Variations as the Case shall require; (that is to say,) Form of Conviction.

'
' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' in the of at
' us, *A.B.* and *J.P.*, Two of Her Majesty's Justices of the Peace for *C.D.* is convicted before
' the

'the said for that he the said *C. D.* [*here specify the Offence, and the Time and Place where the same was committed, as the Case may be*], and we do adjudge that the said *C. D.* shall for the said Offence forfeit and pay [*here state the Penalty actually imposed, or the Penalty and also the Sum adjudged as the Value of the Articles or the Amount of the Injury, as the Case may be*], and also pay the Sum of for Costs [*if so ordered*]; and we direct that the Sum of shall be paid to *E. F.*, the Party aggrieved, on the Day of [instant *or* next ensuing], and that the Sum of shall, on the Day of [instant *or* next ensuing], be paid and applied according to the Direction of the Statute in such Case made and provided [*or, as the Case may be*], and that the Sum of for Costs shall be paid to the Complainant [*if so ordered*]. Given under our Hands and Seals, the Day and Year first above written.'

Appeal to Quarter Sessions in certain Cases.

XXIX. And be it enacted, That in all Cases of summary Conviction under this Act, where the Sum adjudged to be paid shall exceed Twenty Shillings, or the Imprisonment shall exceed One Calendar Month, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be held for the County, City, Borough, or Place where such Conviction shall have been made, (such Person at the Time of such Conviction giving to the Justices so convicting, or to the Justice so presiding at the Court of Petty Sessions at which such Conviction shall take place, Notice in Writing of his Intention to appeal, and also entering into a Recognizance at the Time of such Notice, with Two sufficient Sureties, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall by the Court be awarded); and upon such Notice being given and such Recognizance being entered into the Justice or Justices before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs, to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Confirmation of the Conviction the said Court shall order and adjudge the Offender to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing Payment of the same; and it shall be lawful for the said Court, or, on the Production of a Certificate under the Hand of the Clerk of the Peace for the said County, City, Borough, or Place, or his Deputy, for any Justice or Justices of the Peace for such County, City, Borough, or Place, either immediately or at any Time thereafter, to issue a Warrant of Distress and Sale, or a Warrant for the Apprehension and Commitment of such Offender for such Period of Time as, together with the Days during which such Person so convicted shall have been imprisoned, if any, previously to being discharged by reason of such Appeal, shall amount to the same Period or Term of Imprisonment for which such Person was adjudged to be imprisoned at the Time of Conviction, or to issue a Warrant of Distress and Sale, and if there be no sufficient Distress,

Distress, a Warrant of Apprehension and Commitment, as the Case may require, in like Manner, in all respects, as any Justice or Justices could or might have done in case no Notice of Appeal had been given.

Proceedings not to be quashed for Want of Form, or be removed by Certiorari

XXX. And be it enacted, That no Order or Conviction, or Proceedings touching the same respectively, nor Adjudication made or Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same; and that where any Distress shall be made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage (if any) upon an Action on the Case.

Limitation of Actions against Persons acting in Execution of this Act.

XXXI. And be it enacted, That for the Protection of Persons acting in the Execution of this Act all Actions and Prosecutions for Damage to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was or is charged to have been committed, and shall be commenced within Two Calendar Months after the Fact committed, and not otherwise, and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, or, in case of any Action of Replevin, may avow generally that the Goods and Chattels in question were taken under and by virtue of this Act, and may give this Act and the special Matter in Evidence at the Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, nor if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Avowant: Provided always, that in all such Actions of Damages the Plaintiff shall be bound to establish, not merely that Damages have been suffered by him, but that the same have been wilfully and maliciously caused by the Defendant or Avowant.

General Issue.

Tender of Amends.

Offences committed before this Act.

XXXII. And be it enacted, That nothing in this Act contained shall extend to any Person for any Offence committed against the said herein-before recited Acts or any of them before the passing of this Act, but every such Offender shall and may be prosecuted and punished in the same Manner as if this Act had not been made.

XXXIII. And

This Act not to extend to Scotland or Ireland.

XXXIII. And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*, or be construed to extend to repeal any Act or Statute, or Part thereof, now in force, and not repealed by this Act.

To what Trades this Act shall extend.

XXXIV. And be it enacted, That this Act shall not extend or be construed to extend to any Manufacture, Trade, Occupation, or Employment, except only the Manufactures, Trades, Occupations, and Employments following; (that is to say,) the Manufacture of Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials in, on, or by the Stocking-frame, Warp Machine, or any other Machine employed in the Manufacture of Frame-work, knitted or looped Fabrics, and every Trade, Occupation, Operation, or Employment whatsoever connected with or incidental to the Manufacture of Stockings, Gloves, and other Articles of Hosiery.

Construction of Terms.

XXXV. And be it enacted, That in all Cases under this Act the Singular is to include the Plural, and the Masculine the Feminine; and in an Indictment or Information for Offences against the Property of Partners, Joint Stock Companies, or Trustees, it shall be sufficient to lay the Ownership in the Name of One Partner or Trustee and another or others; that the Words "Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials," shall be construed to extend to any of the said Materials mixed with each other or with any other Material or Materials; and that the Words "Manufacture" and "Work" shall extend to all Trades, Occupations, Operations, and Employments whatsoever connected with or incidental to the Manufacture of any of the said Materials, or any Parts, Branches, or Processes thereof, and likewise to such Materials, whether the same or any Part thereof be or be not in the whole or in part first wrought, made up, or manufactured or converted into merchantable Wares.

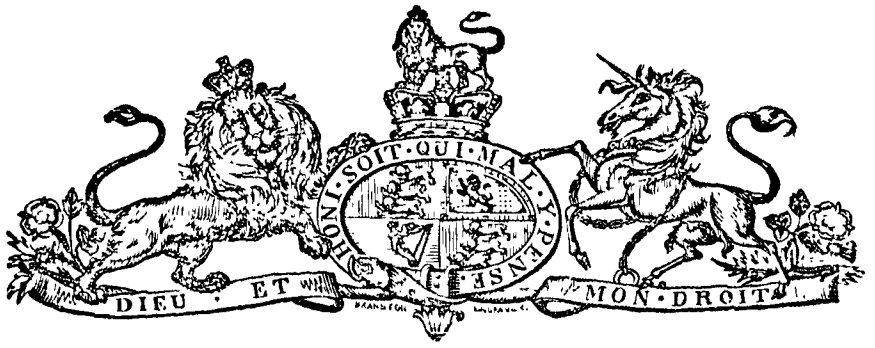
Commencement of Act.

XXXVI. And be it enacted, That this Act shall commence on the First Day of *August* One thousand eight hundred and forty-three.

Act may be amended this Session.

XXXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLI.

An Act to continue to the First Day of *August* One thousand eight hundred and forty-four, and to the End of the then Session of Parliament, the Act to amend the Laws relating to Loan Societies. [1st *August* 1843.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Loan Societies*, which Act has been continued by sundry Acts, and it is expedient that the same should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be further continued to the First Day of *August* in the Year One thousand eight hundred and forty-four, and, if Parliament be then sitting, to the End of the then Session of Parliament.

3 & 4 Vict. c. 110.

Recited Act further continued.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLII.

An Act to amend an Act of the Nineteenth and Twentieth Years of King *George* the Third, for empowering Grand Juries in *Ireland* to present Bridges, and Tolls to be paid for passing the same, in certain Cases. [1st *August* 1843.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Nineteenth and Twentieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same, in certain Cases*, it was enacted, that, from and after the First Day of *August* One thousand seven hundred and eighty, every Grand Jury of any County or County of a City or County of a Town in *Ireland*, at any Assizes to be holden for the same, may authorize the building of Bridges, and authorize and approve of certain Tolls to be charged thereon, as therein mentioned; and it was thereby further enacted, that it should and might be lawful for the Grand Jury of the County in which such Bridge should be situated, or, if situated in Two Counties, then for the Grand Juries of the said Counties, to redeem the Tolls, and to present for the Amount of the Purchase Money thereof: And whereas it would tend to the Public Advantage if the Bridges upon 19 & 20 G. 3. (I.)

 which

which Toll is charged were open to the Public free from Tolls: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Grand Jury or Grand Juries of any County and County of a City or Town in *Ireland*, and they are hereby authorized and empowered, to agree with the Companies, Commissioners, Corporations, or Persons possessed of and interested in, and having any Lien or Incumbrance on, the Tolls payable on any Bridge upon which Toll is charged, situate in such Counties or Cities or Towns, or within Five Miles thereof, for the Purchase thereof, and the said Companies, Commissioners, Corporations, and Persons are hereby authorized to agree with the said Grand Jury or Grand Juries for the Sale thereof; and the said Grand Jury or Grand Juries shall take an Average of the Sums received for Tolls on such Bridge for Three Years immediately preceding such Agreement, and, according to such Average, shall estimate the Sum which shall be paid for the Purchase of such Tolls, and shall, with the Consent in Writing of the Persons interested in such Tolls, apportion and distribute the Sum which shall be paid for the Purchase thereof to and among the several Persons interested therein; and it shall and may be lawful for the said Grand Jury or Juries to raise, by Presentment on such County or Counties, or on any Barony, Half Barony, or Baronies thereof, or City or Town, such Sum or Sums of Money as may be sufficient for the Purchase of such Tolls, and payable in such Instalments and Proportions, and at such Times, as shall be agreed upon by such Grand Jury or Juries, and the Owners of such Tolls, and Persons having Charges thereon, respectively, and that upon such Presentments being made the said Toll shall cease, and the Passage of such Bridge shall be open and free to all Cattle, Carriages, and Persons whatsoever: Provided always, that any such Presentment shall at the First Assizes be considered only as an Application to be certified under an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, and shall be subject to such and the like Regulations in all respects as certified Applications under the Provisions of that Act, and shall not be binding on any Grand Jury unless it shall be approved by the Presentment Sessions and succeeding Grand Jury.

Power to purchase the Tolls of Bridges, and open them to the Public free.

Proviso.

6 & 7 W. 4. c. 116.

Extent of Act.

II. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *Ireland*.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLIII.

An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-four the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[10th *August* 1843.]

WHEREAS it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns or preparing or making out Lists of such Militia, or any Part thereof, or relating to the balloting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the Thirty-first Day of *August* in the Year One thousand eight hundred and forty-four.

General and Subdivision Meetings relating to the Militia suspended.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall

Proceedings may be had during such

Suspension by Order in Council.

shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the ballotting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland* and *Ireland* respectively relating to the Militia and Corps of Miners in *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Wardens of Stannaries and to Corps of Miners.

III. And be it enacted, That this Act shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority therein contained.

Act may be amended this Session.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLIV.

An Act to amend the Acts for carrying on Public Works in *Ireland*. [10th *August* 1843.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland: And whereas another Act was passed in the Seventh Year of the same Reign, intituled *An Act to amend an Act passed in the First and Second Years of His present Majesty, "for the Extension and Promotion of Public Works in* Ireland:" And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts for the Extension and Promotion of Public Works in* Ireland: And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor; and to amend the Acts relating thereto:* And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to extend and amend the Provisions of the Acts for the Extension and Promotion of Public Works in* Ireland; *and for the Recovery of Public Monies advanced for the Use of Counties, Parishes, and other Districts in* Ireland, *on the Faith of Grand Jury Presentments and Parochial Assessments:* And whereas great Benefits have been derived from

1 & 2 W. 4. c. 33.
6 & 7 W. 4. c. 108.
7 W. 4. & 1 Vict. c. 21.
1 & 2 Vict. c. 88.
2 & 3 Vict. c. 50.

Loans under the Regulation of the first-recited Act, and the several Acts for amending the same, and it is expedient that such Loans, together with the several Powers of the Commissioners of Public Works in *Ireland*, should be continued: And whereas it is expedient to discontinue all further Issues of Exchequer Bills made out under the first-recited Act, or any of the Acts amending the same, and to put an end to all Operations with regard to such Exchequer Bills required by the said Act, except such as may be necessary for paying off the outstanding Bills, and for applying the Repayments on account of Loans made with such Exchequer Bills to make good the Sums issued from the Consolidated Fund to pay the Interest and Principal on those Bills: And whereas by an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are empowered, by Warrant under the Hands of any Three or more of them, for the Purpose of the Advances or Loans therein referred to, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to direct the Issue or to be paid thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fifth Day of *April* One thousand eight hundred and forty-two, by quarterly Instalments or Issues, not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Days and at the Times in the said Act particularly mentioned: And whereas it is expedient to make Advances of Money out of the Consolidated Fund for the Purposes of Loans toward Public Works in *Ireland*, instead of the Issues of Exchequer Bills hitherto adopted, which are found inconvenient: And whereas the Sums annually receivable in Repayment of existing Loans heretofore made by the Commissioners of Public Works in *Ireland* amount, and will amount for some Years to come, to a Sum which would be sufficient to furnish to a considerable Extent Means for making the requisite Advances; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after such Period as may be in that Behalf determined upon by the Commissioners of Her Majesty's Treasury all further Issues of Exchequer Bills under the said first-recited Act, or any of the Acts amending the same, shall be discontinued; and as soon as Notice of such Determination shall have been given to the Commissioners appointed or to be appointed for the Execution of the said first-recited Act they shall cause the same to be published in the *Dublin Gazette*, but this Notice shall not be construed to be a Notice within the Provisions of the first-recited Act for terminating the Powers of the Commissioners appointed or to be appointed for the Execution thereof; and, notwithstanding the Discontinuance of further Issues of Exchequer Bills, the said Commissioners

5 & 6 Vict. c. 9.

Commissioners of the Treasury may discontinue the Issue of Exchequer Bills.

sioners of Her Majesty's Treasury shall have all the Powers by any of the said Acts given and which may be necessary for paying off such of the Exchequer Bills issued under the first-recited Act, or any of the Acts amending the same, which may have been prepared or be outstanding at the Time of such Discontinuance of the Issue of such Exchequer Bills as aforesaid, and also such Powers as may be necessary for applying the Repayment of Loans theretofore made with such Exchequer Bills to make good the several Sums which may then have been or thereafter may be issued from the Consolidated Fund for the Purpose of paying off the Interest and Principal due on such Exchequer Bills.

On such Discontinuance the Commissioners to wind up and close the Accounts.

II. And be it enacted, That as soon as such Notice shall have been given to the said Commissioners of Public Works they, or some Person employed by them for that Purpose, shall wind up and close the Accounts of all outstanding Loans or Advances under the Authority of any of the said Acts, up to the Day on which such Discontinuance of Exchequer Bills may take place.

Repayments to be carried to the Account of the Consolidated Fund.

III. And be it enacted, That all Sums of Money which shall be repaid on account of the Loans or Advances made or to be made under the Authority of any of the said Acts by means of Exchequer Bills, with the Interest accruing due thereon, shall be recovered and received by the said Commissioners of Public Works in like Manner as heretofore, and shall be by their Direction paid into the Bank of *Ireland* to the Credit of the Account for Loans of the said Commissioners, from which Account the Sums so paid shall be from Time to Time transferred to the Account of Her Majesty's Exchequer, and shall be made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the Purpose of reimbursing to the said Consolidated Fund the several Advances previously made for the Discharge of Exchequer Bills issued for Loans by the said Commissioners of Public Works, and the Interest thereon, and of meeting the Charges to be made thereon for Interest and Principal on account of Bills still outstanding, until the same shall be paid.

Commissioners for this Act.

IV. And be it enacted, That the Commissioners of Public Works for the Time being under the said first-recited Act shall be Commissioners for the Execution of this Act.

A Sum not exceeding 15,000*l.* per Quarter to be applied for Public Works in Ireland.

V. And be it enacted, That the said Commissioners of Her Majesty's Treasury, by Warrant under the Hands of any Three or more of them, may direct from Time to Time, that out of the Sum, not exceeding Three hundred and sixty thousand Pounds *per Annum*, which by the said Act of the Fifth Year of the Reign of Her said present Majesty they are authorized to charge on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and which they are authorized to direct to be paid to the Account of the Commissioners for the Reduction of the National Debt, during the Term of Five Years next ensuing the Fifth Day of *April* One thousand eight hundred and forty-two, by quarterly Instalments or Issues, not exceeding Ninety thousand Pounds *per* Quarter, as aforesaid,

aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt, during the Remainder of the said Term of Five Years, a Sum not exceeding Fifteen thousand Pounds *per* Quarter, to be at the Disposal of the said Commissioners of Public Works, as herein-after mentioned, such quarterly Instalments or Issues to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the first Instalment thereof to become due and payable on the first of the said quarterly Days of Payment which shall happen next after the passing of this Act.

A separate Account to be opened at the Bank of England.

VI. And be it enacted, That for the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall cause a separate Account to be opened with them at the Bank of *England*, under the Title of "The Commissioners for the Reduction of the National Debt, on account of the Public Works Loan Fund for *Ireland*," which Account the Governor and Company of the Bank of *England* shall open in their Books accordingly; and there shall be provided and kept in the Office of the said Commissioners for the Reduction of the National Debt a Book or Books, in which all the Monies transferred to the said last-mentioned Account by virtue of this Act shall be kept apart from all other Monies, and such Monies shall be by the same Commissioners held, subject to the Disposal of the said Commissioners of Public Works, for the Purposes of the said first-recited Act, and the other Acts amending the same, and of this Act.

Commissioners to receive Applications and make Loans.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Public Works to receive Application for any Loan or Loans, and, with the Approval of the Commissioners of Her Majesty's Treasury, to make such Loans, upon such and the like Securities, and for such and the like Purposes, and upon such and the like Terms, as are specified by the said recited Acts for the Extension and Promotion of Public Works in *Ireland*, or any of them, and as may be authorized by the Commissioners of Her Majesty's Treasury.

Commissioners of Public Works in Ireland to certify Loans granted by them.

VIII. And be it enacted, That when the said Commissioners of Her Majesty's Treasury shall have sanctioned any Loan under this Act or any of the above recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being; and in every such Certificate the Loan in part of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt, the Comptroller General or Assistant Comptroller, or Chief Clerk, acting under the last-named Commissioners, shall upon the Back of such Certificate endorse and sign an Order for Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of *England*, to be by them placed to the

Upon Production of such Certificate to the proper Officer an Order to be endorsed thereon for

Account of the Governor and Company of the Bank of *Ireland*, for the separate Account and Credit of the Paymaster of Civil Services in *Ireland*, on account of the Public Works Loan Fund for *Ireland*, to be by him paid over on the Warrants of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty's Treasury shall appear on such Certificate, under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in the Names of the said Commissioners for the Reduction of the National Debt, subject to the Disposal of the said Commissioners of Public Works.

Payment of of the Sum granted.

Proviso.

IX. And be it enacted, That every such Order of the Officer of the said Commissioners for the Reduction of the National Debt, before the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England;* and such Cashiers or one of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of *England;* and the Signature of One of the Cashiers of the said Governor and Company of the Bank of *England* shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

Order to be entered by the proper Officer, countersigned by the Actuary, and addressed to the Cashiers of the Bank of England.

X. And be it enacted, That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund for *Ireland* as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Commissioners for Reduction of National Debt to furnish an annual Account for Audit.

XI. And be it enacted, That the Governor and Company of the Bank of *Ireland* shall open an Account with the Paymaster of the Civil Services of *Ireland*, under the Title of "The Paymaster of the Civil Services, on account of the Repayment of Loans for Public Works;" and Monies which shall from Time to Time be repaid in respect of Loans made under this Act, or in respect of the Interest thereof, shall be carried to the Credit of this Account.

Bank of Ireland to open an Account with Paymaster of Civil Services, of Repayments.

XII. And be it enacted, That as soon as any Sum of Money shall have been so lodged to the Credit of the said Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall, upon a Notification thereof, cause to be made out and delivered to the said Paymaster of Civil Services a Statement of the proper Appropriation of such Payment, whether for account of Interest or Principal, or how much for each respectively, upon which the said Paymaster of Civil Services shall cause to be prepared accordingly the proper Receipt or Voucher, and send the same to the said Commissioners of Public Works, who shall thereupon cause the Sum or Sums therein

Appropriation and Entry of Repayments.

Receipt of Paymaster to be a Discharge.

mentioned to be entered on the Books of the said Commissioners, to the Credit of the Loan on account of which such Payment shall have been made; and such Receipt, when so entered, shall be delivered to the Party or Person on whose Account such Payment shall have been so made; and such Receipt shall be a sufficient Discharge to the Party or Person paying the same.

All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

XIII. And be it enacted, That every Sum of Money which shall be paid into the Bank of *Ireland* to the Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works under this Act, shall from Time to Time, immediately on such Payments being made, be transferred by the Governor and Company of the Bank of *Ireland* to the Account kept by the Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Powers of recited Acts as to Advances to have same Force as if re-enacted.

XIV. And be it enacted, That all the Enactments contained in the said recited Acts relating to Public Works in *Ireland*, or any of them, in relation to any Advances of Exchequer Bills or Money made or to be made under the said recited Acts or any of them, or for the Recovery or Repayment of such Advances, shall, except as is herein otherwise provided, extend to all Loans of Money to be made under the Authority of this Act, and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury, or the said Commissioners of Public Works, or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act, or any of them, and the Recovery and Repayment of such Loans, in such or the like Manner as if they had been particularly and severally re-enacted in the Body of this Act, except so far only as the same is amended or altered by any of the said Acts or by this Act.

Commissioners may retain the whole of the Mortgage Debt or Charge out of Purchase, notwithstanding some of the Instalments for Principal may not have actually become due and payable at the Time of Sale.

XV. And be it enacted, That in case the said Commissioners of Public Works shall, under the Authority of any of the said recited Acts or this Act, make any Sale or other absolute Disposition of any Public Works, Interest, Property, or Effects comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed, under the Provisions of any of the said recited Acts or this Act, it shall be lawful for them, with the Consent of the Commissioners of Her Majesty's Treasury, out of the clear Monies thereby produced, after Payment of the Expences of preparing for and making such Sale or other Disposition, so far as such clear Monies will extend, to deduct and detain all the Principal Monies, for the Time being remaining due or secured upon such Mortgage, Assignment, or Charge, notwithstanding the whole of such Principal Money, or any Instalment thereof, may not, according to the Terms of such Mortgage, Assignment, or Charge, have become actually due and payable, together with all Interest (if any) for the Time being accrued due on such Principal Monies.

Powers for recovering Loans to

XVI. And whereas sundry Loans made to the Trustees or Commissioners of several Turnpike Roads in *Ireland*, under an Act passed

passed in the Forty-fifth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for improving and keeping in repair the Post Roads in* Ireland, *and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious*, are still due and outstanding, and it is expedient that the Powers now by Law provided for recovering Loans made by the said Commissioners of Public Works, under the herein-before first-recited Act, to the Trustees or Commissioners of Turnpike Roads in *Ireland*, shall be extended to Loans made under the said recited Act of the Forty-fifth Year of the Reign of King *George* the Third; be it enacted, That whenever any Interest or Instalment accrued due to Her Majesty's Exchequer on account of any Money borrowed under the Authority and for the Purpose of the last-mentioned Act shall be in arrear and unpaid by the Trustees or proper Officer of any Turnpike Road, it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall so think fit, beside and without prejudice to any other Remedy which may be by Law provided for the Recovery of the Monies so due and in arrear, by Warrant under the Hands of any Three or more of them, to empower the said Commissioners of Public Works to recover, in their Behalf, any Sum of Money accrued or accruing due for Principal or Interest on account of any such Loan, and thereupon the said Commissioners of Public Works shall have the like Powers, Privileges, and Remedies for the Purpose of compelling Payment of any such Loan or any Part thereof, or the Interest thereof, as the said Commissioners of Public Works now by Law have in respect of any Loan made to the Trustees or Commissioners of any Turnpike Road under the said recited Act of the Second Year of the Reign of His late Majesty, or any Act amending the same, or in respect of any Default in the Payment of such Loan or the Interest thereon; and that all the Clauses and Provisions therein contained, for the Repayment and Recovery of any such Loan or the Interest thereon, and for enabling the said Commissioners, in default thereof, to enter into Possession, and to receive any Rates, Rents, Tolls, Receipts, or Profits on the Credit whereof any Loan may have been made, shall extend to all Loans at any Time made to the Trustees or Commissioners of any Turnpike Road or Roads under the said recited Act of the Forty-fifth Year of the Reign of King *George* the Third, in respect whereof the said Commissioners of Her Majesty's Treasury shall think fit to make any such Warrant as aforesaid, as if such Clauses and Provisions had been contained in such last-mentioned Act, or as if such Loan had been made under the said recited Act of the Second Year of the Reign of His late Majesty, or any Act amending the same: Provided always, that nothing herein contained shall extend to deprive any Persons holding prior Mortgages, Assignments, or other Securities on such Turnpike Trusts of any Advantages which by reason of such Priority they might have in case this Act had not been passed.

Trustees of Turnpike Roads extended to Loans under 45 G. 3. c. 43.

1 & 2 W. 4 c. 33.

XVII. And whereas by the said Act of the Second Year of the Reign of Her present Majesty it is enacted, that it should be lawful for the Commissioners of Her Majesty's Treasury to appropriate, out of the Sum of Five hundred thousand Pounds in Exchequer Bills authorized to be advanced under the Authority of the said Act, any Sum

21,000*l.* may be issued by way of Grant. 1 & 2 Vict. c. 88.

Sum or Sums in Exchequer Bills, not exceeding Fifty thousand Pounds in the whole, for the Promotion and Extension of Public Works in *Ireland*, to be applied by the Commissioners appointed under the Authority of the said first-recited Act: And whereas by the said Act of the Third Year of the Reign of Her present Majesty, after reciting that the said Sum or Sums so authorized by the said Act of the Second Year of the Reign of Her Majesty to be appropriated for the Promotion and Extension of Public Works in *Ireland* should be made applicable to the Purposes of the Acts therein mentioned, it is enacted, that in case any such Appropriation should be or had been made it should be lawful to apply the Exchequer Bills so appropriated to the Purposes of all or any of the Acts therein recited, and to make Advances thereout accordingly, either by way of Loan or by way of Grant, or partly by way of Loan and partly by way of Grant, pursuant to the Provisions of the Acts therein recited and the said Act respectively: And whereas it was deemed expedient by the Commissioners of Her Majesty's Treasury, and was intended, that One Half of the said Sum of Fifty thousand Pounds should be applied in Loans, and One Half in Grants; but nevertheless the Sum of Forty-six thousand Pounds, Part thereof, has been inadvertently issued in the way of Loans, and only the remaining Four thousand Pounds in the way of Grants: And whereas it is expedient that the Sum of Twenty-one thousand Pounds should be repaid to the Fund, to be issued in the way of Grant; be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order that out of such Monies as at or after the passing of this Act may be in the Exchequer, or as may be hereafter paid into the Bank of *England* to the Credit of Her Majesty's Exchequer, in Repayment of Loans made for Public Works in *Ireland*, any Sum or Sums of Money, not exceeding the Sum of Twenty-one thousand Pounds, may be set apart and appropriated for Grants by the said Commissioners of Public Works, with the Approval of the said Commissioners of Her Majesty's Treasury, in such and the same Manner as the said Sum of Twenty-one thousand Pounds might have been used and applied for Grants if the same had not been inadvertently applied for the Purposes of Loans.

2 & 3 Vict. c. 50.

Construction of certain Words in this Act.

XVIII. And be it enacted, That in this Act the Words "Commissioners of Her Majesty's Treasury" shall be construed to mean any Three or more of the Commissioners of Her Majesty's Treasury, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*; and the Words "Commissioners of Public Works" shall mean any Two or more of the Commissioners appointed or to be appointed to execute the first-recited Act, for the Extension and Promotion of Public Works in *Ireland*.

Act may be amended this Session.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLV.

An Act to continue, until the First Day of *January* One thousand eight hundred and forty-six, an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. [10th *August* 1843.]

WHEREAS an Act was passed in the Third Year of the Reign of Her Majesty, intituled *An Act to amend, and extend until the First Day of* January *One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury*; and it is expedient that the same should be continued for a longer Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be continued until the First Day of *January* in the Year One thousand eight hundred and forty-six. 2 & 3 Vict. c. 37. Recited Act continued.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended this Session.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLVI.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-four, and to the End of the then Session of Parliament, an Act for authorizing Her Majesty to carry into immediate Execution by Orders in Council any Treaties for the Suppression of the Slave Trade.

[10th *August* 1843.]

WHEREAS an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to revive and continue, until Six Months after the Commencement of the next Session of Parliament, and to amend, an Act for authorizing Her Majesty to carry into immediate Execution by Orders in Council any Treaties made for the Suppression of the Slave Trade:* And whereas it is expedient that the said Act should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers, Provisions, Matters, and Things therein contained, shall continue in force until the First Day of *August* in the Year One thousand eight hundred and

1 & 2 Vict. c. 102.

Recited Act continued until 1st Aug. 1844.

and forty-four, and if Parliament be then sitting, to the End of the then Session of Parliament.

Act may be amended this Session.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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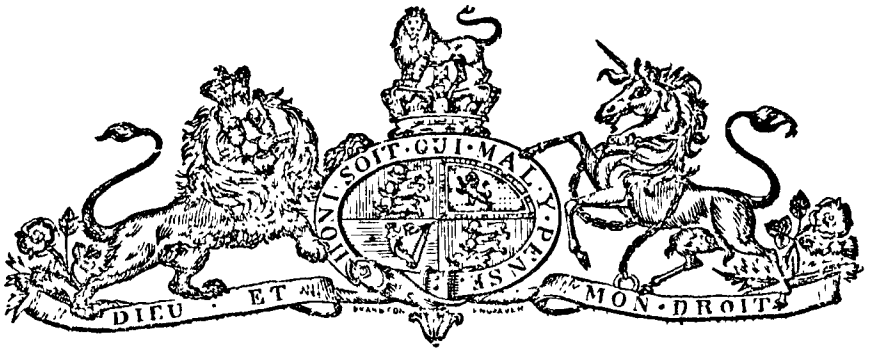

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLVII.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-four, and to the End of the then Session of Parliament, an Act for amending the Law for the Trial of controverted Elections. [10th *August* 1843.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections*, whereby Provision was made for suspending, during the Continuance of the said Act, an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, and also certain Parts therein specified of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act to regulate the Trial of controverted Elections or Returns of Members to serve in the United Parliament for* Ireland; and of another Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to amend several Acts, for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to* Ireland:" 4 & 5 Vict. c. 58. 9 G. 4. c. 22. 42 G. 3. c. 106. 47 G. 3. c. 14.

5 & 6 Vict. c. 73.

And whereas the first-recited Act was continued by an Act passed in the last Session of Parliament, and will expire at the End of the present Session of Parliament, and it is expedient further to continue the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the first-recited Act shall continue in force until the First Day of *August* in the Year One thousand eight hundred and forty-four, and, if Parliament be then sitting, to the End of the then Session of Parliament; and that the said Act of the Ninth Year of the Reign of King *George* the Fourth, and such Parts of the said Acts of the Forty-second and Forty-seventh Years of the Reign of King *George* the Third as were suspended by the first-recited Act, shall be suspended during the Continuance of the first-recited Act as continued by this Act.

Continuance of 4 & 5 Vict. c. 58.

Act may be amended this Session.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XLVIII.

An Act to continue, until the First Day of *October* One thousand eight hundred and forty-four, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. [10th *August* 1843.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to exempt, until the Thirty-first Day of* December *One thousand eight hundred and forty-one, Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor:* And whereas the said Act hath been since continued by sundry Acts until the First Day of *October* One thousand eight hundred and forty-three; and it is expedient that the said Act be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament 3 & 4 Vict. c. 89.

Recited Act continued.

ment assembled, and by the Authority of the same, That the first-mentioned Act shall continue in force until the First Day of *October* in the Year One thousand eight hundred and forty-four.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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Scotland, *or* Ireland *respectively; and to suspend for a limited Time so much of an Act of the present Session as repeals the Allowance on Spirits made from Malt only in* Ireland: And whereas by the said first-recited Act an additional Duty of One Shilling was imposed on every Gallon of Spirits to be distilled, or which should be warehoused and taken out for Consumption, in *Ireland*: And whereas it is expedient that the said additional Duty of One Shilling should cease and determine: And whereas, in consequence of such additional Duty of One Shilling on Spirits in *Ireland* being repealed, it will be necessary to impose and allow new countervailing Duties and Drawbacks of Excise on the Mixtures and Preparations made with Spirits enumerated in the said Acts of the Sixth and Seventh Years of His Majesty King *William* the Fourth and in the Fifth Year of the Reign of Her present Majesty, when removed from *Ireland* to *England* or *Scotland*, or from *England* or *Scotland* to *Ireland*, respectively:

After 1st August 1843 the additional Duty of One Shilling per Gallon imposed by the first recited Act on Spirits in Ireland to cease.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said additional Duty of One Shilling imposed by the above first-recited Act upon every Gallon of Spirits distilled or warehoused in *Ireland* shall, from and after the First Day of *August* One thousand eight hundred and forty-three, cease and determine, save and except as to any Arrear of the said Duty of One Shilling which shall have been charged or become due, or of any Penalty or Forfeiture which shall have been incurred, before the said First Day of *August* One thousand eight hundred and forty-three.

New Duties and Drawbacks on the Removal of Mixtures and Compounds between Ireland and England and Scotland.

II. And be it enacted, That from and after the said First Day of *August* One thousand eight hundred and forty-three there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon the several Mixtures, Compounds, Preparations, and Commodities mentioned and described in the Schedule to this Act, on the Removal of the same from *Ireland* to *England* or *Scotland* respectively, the several Sums of Money and Duties of Excise as they are respectively inserted, described, and set forth in the Schedule to this Act annexed; and that there shall be allowed and paid, on the Removal of such Mixtures, Compounds, Preparations, and Commodities from *England* or *Scotland* respectively to *Ireland*, the several Drawbacks of Excise also inserted, described, and set forth in the said Schedule to this Act, and the Duties and Drawbacks now payable on the Removal of the said Mixtures and Compounds, on the Removal of the same from *Ireland* to *England* and from *England* to *Ireland*, shall cease and determine.

Duties, &c. granted by this Act to be under the Management of the Commissioners of Excise, &c.

III. And be it enacted, That the Duties and Drawbacks granted by this Act shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for as the Duties and Drawbacks imposed by the said thirdly herein-before recited Act are charged, raised, levied, collected, sued for, and paid under the said thirdly recited Act, and of the general or special Provisions, Clauses, Enactments, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

IV. And be it enacted, That the several Provisions of the said Act passed in the Sixth and Seventh Years of the Reign of His said late Majesty which prescribe or provide any Rules or Regulations or impose any Restrictions on the Removal of any of the said Mixtures, Compounds, Preparations, or Commodities from *Scotland* to *Ireland* or from *Ireland* to *Scotland*, and as limit or prescribe the Strength of any of the said Mixtures, Compounds, Preparations, or Commodities, or the Quantities of Spirits to be contained therein, when removed from *Scotland* to *Ireland* or from *Ireland* to *Scotland*, or as require the same when so removed to be accompanied with a Permit, which said Provisions were repealed by the said Act passed in the Fifth Year of the Reign of Her Majesty, shall from and after the said First Day of *August* One thousand eight hundred and forty-three be revived, and shall, notwithstanding such Repeal, continue in full Force as if the said Act of the Fifth Year of Her said Majesty had not been passed; and all the Provisions, Enactments, Pains, and Penalties so repealed and revived as aforesaid shall again be carried into effect between *Ireland* and *Scotland* respectively.

Provisions of 6 & 7 W. 4. c. 72. respecting Removal and Strength of Mixtures, &c., to be in force notwithstanding the repeal of the same by 5 & 6 Vict. c. 25.

V. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be amended this Session.

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SCHEDULE.

COUNTERVAILING DUTIES.

Articles enumerated.	From Ireland to England.	From Ireland to Scotland
For every Gallon thereof removed:	£ s. d.	£ s. d.
Æther	0 12 11	0 2 6
Sweet Spirits of Nitre		
Camphorated Spirits		
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients		
Compound Spirits of Lavender		
Spirits of Rosemary		
Spirits of Ammonia		
Salvolatile		
Friar's Balsam	0 7 9	0 1 6
Compound Tincture of Benzoin		
Tincture of Assafœtida		
Tincture of Castor		
Tincture of Kino		
Tincture of Guaiacum		
Tincture of Myrrh		
Tincture of Ginger		
Spirit Varnishes		
Other Tinctures and Medicated Spirits	0 5 2	0 1 0
Sweets or Made Wines	0 0 7½	0 0 1½

COUNTERVAILING DRAWBACKS.

Articles enumerated.	From England to Ireland.	From Scotland to Ireland.
For every Gallon thereof removed:	£ s. d.	£ s. d.
Æther	0 12 11	0 2 6
Sweet Spirits of Nitre		
Camphorated Spirits		
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients		
Compound Spirits of Lavender		
Spirits of Rosemary		
Spirits of Ammonia		
Salvolatile		
Friar's Balsam	0 7 9	0 1 6
Compound Tincture of Benzoin		
Tincture of Assafœtida		
Tincture of Castor		
Tincture of Kino		
Tincture of Guaiacum		
Tincture of Myrrh		
Tincture of Ginger		
Spirit Varnishes		
Other Tinctures and Medicated Spirits	0 5 2	0 1 0
Sweets or Made Wines	0 0 7½	0 0 1½

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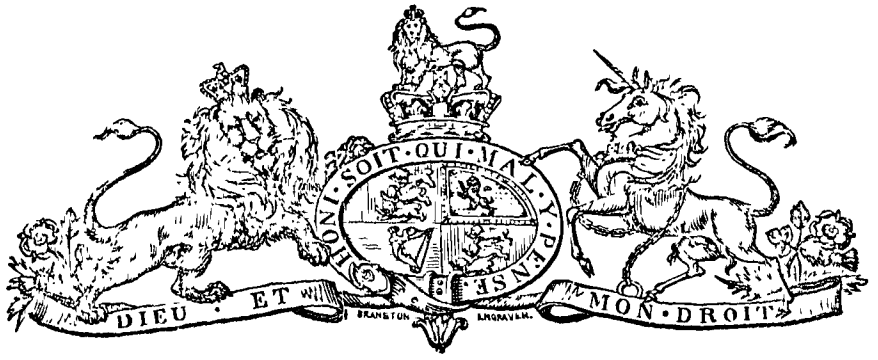

ANNO SEXTO & SEPTIMO

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which shall be provided with special Warrants and Orders, prepared according to the Forms of the Annex (A.) of the present Treaty, may search every Merchant Vessel belonging to any one of the High Contracting Parties which shall on reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in the Traffic during the Voyage in which she shall have been met with by the said Cruisers; and that such Cruisers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner hereafter agreed upon.

Nevertheless the above-mentioned Right of searching the Merchant Vessels of any one or other of the High Contracting Parties shall be exercised only by Ships of War whose Commanders shall have the Rank of Captain, or that of Lieutenant in the Royal or Imperial Navy, unless the Command shall by reason of Death or otherwise have devolved upon an Officer of inferior Rank; the Commander of such Ship of War shall be furnished with Warrants according to the Form annexed to the present Treaty, under Letter (A.)

The said mutual Right of Search shall not be exercised within the *Mediterranean Sea*: Moreover the Space within which the Exercise of the said Right shall be confined shall be bounded on the North by the Thirty-second Parallel of North Latitude; on the West, by the Eastern Coast of *America*, from the Point where the Thirty-second Parallel of North Latitude strikes that Coast, down to the Forty-fifth Parallel of South Latitude; on the South, by the Forty-fifth Parallel of South Latitude, from the Point where that Parallel strikes the Eastern Coast of *America* to the Eightieth Degree of Longitude East from the Meridian of *Greenwich*; and on the East, by the same Degree of Longitude, from the Point where it is intersected by the Forty-fifth Parallel of South Latitude, up to the Coast of *India*.

Article III.—Each of the High Contracting Parties which may choose to employ Cruisers for the Suppression of the Slave Trade, and to exercise the mutual Right of Search, reserves to itself to fix according to its own Convenience the Number of the Ships of War which shall be employed on the Service stipulated in the Second Article of the present Treaty, as well as the Stations on which the said Ships shall cruise.

The Names of the Ships appointed for this Purpose and those of their Commanders shall be communicated by each of the High Contracting Parties to the others; and they shall reciprocally apprize each other every Time that a Cruiser shall be placed on a Station, or shall be recalled from thence, in order that the necessary Warrants may be delivered by the Governments authorizing the Search, and returned to those Governments by the Government which has received them, when those Warrants shall no longer be necessary for the Execution of the present Treaty.

Article IV.—Immediately after the Government which employs the Cruisers shall have notified to the Government

which is to authorize the Search the Number and the Names of the Cruisers which it intends to employ, the Warrants authorizing the Search shall be made out according to the Form annexed to the present Treaty, under Letter (A.), and shall be delivered by the Government which authorizes the Search to the Government which employs the Cruiser.

In no Case shall the mutual Right of Search be exercised upon the Ships of War of the High Contracting Parties.

The High Contracting Parties shall agree upon a particular Signal to be used exclusively by those Cruisers which shall be invested with the Right of Search.

Article V.—The Cruisers of the High Contracting Parties authorized to exercise the Right of Search and Detention in execution of the present Treaty, shall conform themselves strictly to the Instructions annexed to the said Treaty, under Letter (B.), in all that relates to the Formalities of the Search and of the Detention, as well as to the Measures to be taken in order that the Vessels suspected of having been employed in the Traffic may be delivered over to the competent Tribunals.

The High Contracting Parties reserve to themselves the Right of making in these Instructions, by common Consent, such Alterations as Circumstances may render necessary.

The Cruisers of the High Contracting Parties shall mutually afford to each other Assistance in all Cases when it may be useful that they should act in concert.

Article VI.—When a Merchant Vessel sailing under the Flag of One of the High Contracting Parties shall have been detained by a Cruiser of the other duly authorized to that Effect conformably to the Provisions of the present Treaty, such Merchant Vessel, as well as the Master, the Crew, the Cargo, and the Slaves who may be on board, shall be brought into such Place as the High Contracting Parties shall have respectively designated for that Purpose, and they shall be delivered over to the Authorities appointed with that View by the Government within whose Possessions such Place is situated, in order that Proceedings may be had with respect to them before the competent Tribunals in the Manner hereafter specified.

When the Commander of the Cruiser shall not think fit to undertake himself the bringing in and the Delivery up of the detained Vessel, he shall intrust that Duty to an Officer of the Rank of Lieutenant in the Royal or Imperial Navy, or at least to the Officer who shall at the Time be the Third in Authority on board the detaining Ship.

Article VII.—If the Commander of a Cruiser of One of the High Contracting Parties should have Reason to suspect that a Merchant Vessel sailing under the Convoy of or in company with a Ship of War of One of the other Contracting Parties has been engaged in the Slave Trade, or has been fitted out for that Trade, he shall make known his Suspicions to the Commander of the Ship of War, who shall proceed alone to search the suspected Vessel;

Vessel; and in case the last-mentioned Commander should ascertain that the Suspicion is well founded, he shall cause the Vessel, as well as the Master, the Crew, the Cargo, and the Slaves who may be on board, to be taken into a Port belonging to the Nation of the detained Vessel, to be there proceeded against before the competent Tribunals, in the Manner hereafter directed.

ARTICLE VIII.—As soon as a Merchant Vessel detained and sent in for Adjudication shall arrive at the Port to which she is to be carried, in conformity with Annex (B.) to the present Treaty, the Commander of the Cruiser which shall have detained her, or the Officer appointed to bring her in, shall deliver to the Authorities appointed for that Purpose a Copy, signed by himself, of all the Lists, Declarations, and other Documents specified in the Instructions annexed to the present Treaty, under Letter (B.); and the said Authorities shall proceed in consequence to the Search of the detained Vessel and of her Cargo, as also to an Inspection of her Crew, and of the Slaves who may be on board, after having previously given Notice of the Time of such Search and Inspection to the Commander of the Cruiser, or to the Officer who shall have brought in the Vessel, in order that he, or some Person whom he may appoint to represent him, may be present thereat.

A Minute of these Proceedings shall be drawn up in Duplicate, which shall be signed by the Persons who shall have taken part in, or who shall have been present at the same; and one of those Documents shall be delivered to the Commander of the Cruiser, or to the Officer appointed by him to bring in the detained Vessel.

ARTICLE IX.—Every Merchant Vessel of any one or other of the Five Nations, which shall be searched and detained in virtue of the Provisions of the present Treaty shall, unless Proof be given to the contrary, be deemed to have been engaged in the Slave Trade, or to have been fitted out for that Traffic, if in the Fitting, in the Equipment, or on board the said Vessel, during the Voyage in which she was detained, there shall be found to have been One of the Articles herein-after specified; (that is to say,)

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary for Vessels engaged in lawful Trade.

Thirdly,—Spare Plank fitted for being laid down as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of such Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Receptacles for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from

from which he cleared Outwards, stating that sufficient Security had been given by the Owners of such Vessel that such extra Number of Casks or of other Receptacles should only be used to hold Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of such Merchant Vessel.

Eighthly,—A Boiler or other cooking Apparatus of an unusual Kind, and larger, or capable of being made larger, than requisite for the Use of the Crew of such Merchant Vessel; or more than One Boiler or other cooking Apparatus of the ordinary Size.

Ninthly,—An extraordinary Quantity of Rice, of the Flour of *Brazil*, Manioc, or Cassada, commonly called Farina, or of Maize, or of *Indian* Corn, or of any other Article of Food whatever, beyond the probable Wants of the Crew; unless such Quantity of Rice, Farina, Maize, *Indian* Corn, or any other Article of Food should be entered on the Manifest as forming Part of the Trading Cargo of the Vessel.

Tenthly,—A Quantity of Mats or Matting greater than is necessary for the Use of such Merchant Vessel, unless such Mats or Matting be entered on the Manifest as forming Part of the Cargo.

If it is established that One or more of the Articles above specified are on board, or have been on board during the Voyage in which the Vessel was captured, that Fact shall be considered as *primâ facie* Evidence that the Vessel was employed in the Traffic; she shall in consequence be condemned and declared lawful Prize, unless the Master or the Owners shall furnish clear and incontrovertible Evidence, proving to the Satisfaction of the Tribunal that at the Time of her Detention or Capture the Vessel was employed in a lawful Undertaking, and that such of the different Articles above specified as were found on board at the Time of Detention, or which might have been embarked during the Voyage on which she was engaged when she was captured, were indispensable for the Accomplishment of the lawful Object of her Voyage.

Article X.—Proceedings shall be immediately taken against the Vessel detained as above stated, her Master, her Crew, and her Cargo, before the competent Tribunals of the Country to which she belongs, and they shall be tried and adjudged according to the established Forms and Laws in force in that Country; and if it results from the Proceedings that the said Vessel was employed in the Slave Trade, or fitted out for that Traffic, the Vessel, her Fittings, and her Cargo of Merchandize shall be confiscated, and the Master, the Crew, and their Accomplices shall be dealt with conformably to the Laws by which they shall have been tried.

In case of Confiscation, the Proceeds of the Sale of the aforesaid Vessel shall, within the Space of Six Months, reckoning

from the Date of the Sale, be placed at the Disposal of the Government of the Country to which the Ship which made the Capture belongs, in order to be employed in conformity with the Laws of that Country.

ARTICLE XI.—If any One of the Articles specified in Article IX. of the present Treaty is found on board a Merchant Vessel, or if it is proved to have been on board of her during the Voyage in which she was captured, no Compensation for Losses, Damages, or Expences consequent upon the Detention of such Vessel shall in any Case be granted either to the Master or to the Owner, or to any other Person interested in the Equipment or in the Lading, even though a Sentence of Condemnation should not have been pronounced against the Vessel as a Consequence of her Detention.

ARTICLE XII.—In all Cases in which a Vessel shall have been detained in conformity with the present Treaty as having been employed in the Slave Trade, or fitted out for that Traffic, and shall, in consequence, have been tried and confiscated, the Government of the Cruiser which shall have made the Capture, or the Government whose Tribunal shall have condemned the Vessel, may purchase the condemned Vessel for the Service of its Royal Navy, at the Price fixed by a competent Person selected for that Purpose by the said Tribunal; the Government whose Cruiser shall have made the Capture shall have a Right of Preference in the Purchase of the Vessel; but if the condemned Vessel shall not be purchased in the Manner above pointed out, she shall be wholly broken up immediately after the Sentence of Confiscation, and sold in separate Portions after having been broken up.

ARTICLE XIII.—When by the Sentence of the competent Tribunal it shall have been ascertained that a Merchant Vessel, detained in virtue of the present Treaty, was not engaged in the Slave Trade, and was not fitted out for that Traffic, she shall be restored to the lawful Owner or Owners; and if in the Course of the Proceedings it should have been proved that the Vessel was searched and detained illegally or without sufficient Cause of Suspicion, or that the Search and Detention were attended with Abuse or Vexation, the Commander of the Cruiser, or the Officer who shall have boarded the said Vessel, or the Officer who shall have been intrusted with bringing her in, and under whose Authority, according to the Nature of the Case, the Abuse or Vexation shall have occurred, shall be liable in Costs and Damages to the Master and the Owners of the Vessel and of the Cargo.

These Costs and Damages may be awarded by the Tribunal before which the Proceedings against the detained Vessel, her Master, Crew, and Cargo, shall have been instituted; and the Government of the Country to which the Officer who shall have given occasion for such Award shall belong shall pay the Amount of the said Costs and Damages within the Period of Six Months

from the Date of the Sentence, when the Sentence shall have been pronounced by a Tribunal sitting in *Europe*, and within the Period of One Year when the Trial shall have taken place out of *Europe*.

ARTICLE XIV.—When in the Search or Detention of a Merchant Vessel effected in virtue of the present Treaty any Abuse or Vexation shall have been committed, and when the Vessel shall not have been delivered over to the Jurisdiction of her own Nation, the Master shall make a Declaration upon Oath of the Abuses or Vexations of which he shall have to complain, as well as of the Costs and Damages to which he shall lay claim; and such Declaration shall be made by him before the competent Authorities of the first Port of his own Country at which he shall arrive, or before the Consular Agent of his own Nation at a Foreign Port, if the Vessel shall in the first instance touch at a Foreign Port where there is such an Agent.

This Declaration shall be verified by means of an Examination upon Oath of the principal Persons amongst the Crew or the Passengers who shall have witnessed the Search or Detention; and a formal Statement of the whole shall be drawn up, Two Copies whereof shall be delivered to the Master, who shall forward One of them to his Government in support of his Claim for Costs and Damages.

It is understood that if any Circumstances beyond Control shall prevent the Master from making his Declaration, it may be made by the Owner of the Vessel, or by any other Person interested in the Equipment or in the Lading of the Vessel.

On a Copy of the formal Statement above mentioned being officially transmitted to it, the Government of the Country to which the Officer to whom the Abuses or Vexations shall be imputed shall belong shall forthwith institute an Inquiry; and if the Validity of the Complaint shall be ascertained, that Government shall cause to be paid to the Master or the Owner, or to any other Person interested in the Equipment or Lading of the molested Vessel, the Amount of Costs and Damages which shall be due to him.

ARTICLE XV.—The High Contracting Parties engage reciprocally to communicate to each other, when asked to do so, and without Expence, Copies of the Proceedings instituted, and of the Judgments given, relative to Vessels searched or detained in execution of the Provisions of this Treaty.

ARTICLE XVI.—The High Contracting Parties agree to ensure the immediate Freedom of all the Slaves who shall be found on board Vessels detained and condemned in virtue of the Stipulations of the present Treaty.

ARTICLE XVII.—The High Contracting Parties agree to invite the Maritime Powers of *Europe* which have not yet concluded Treaties for the Abolition of the Slade Trade to accede to the present Treaty.

ARTICLE XVIII.—The Acts or Instruments annexed to the present Treaty, and which it is mutually agreed to consider as forming an integral Part thereof, are the following:

(A.) Forms of Warrants of Authorization, and of Orders for the Guidance of the Cruisers of each Nation in the Searches and Detentions to be made in virtue of the present Treaty.

(B.) Instructions for the Cruisers of the Naval Forces employed in virtue of the present Treaty for the Suppression of the Slave Trade.

ARTICLE XIX.—The present Treaty, consisting of Nineteen Articles, shall be ratified, and the Ratifications thereof shall be exchanged at *London*, at the Expiration of Two Months from this Date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, in *English* and *French*, and have thereunto affixed the Seals of their Arms.

Done at *London*, the Twentieth Day of *December* in the Year of our Lord One thousand eight hundred and forty-one.

(L.S.) *Aberdeen.*
(L.S.) *Koller.*
(L.S.) *St. Aulaire.*
(L.S.) *Schleinitz.*
(L.S.) *Brunnow.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, and RUSSIA for the SUPPRESSION of the AFRICAN SLAVE TRADE; signed at *London*, the Twentieth Day of *December* in the Year One thousand eight hundred and forty-one.

FORM I.—*Warrants in virtue of which a Cruiser of one of the High Contracting Parties to this Treaty may visit and detain a Merchant Vessel belonging to or bearing the Flag of another of the High Contracting Parties, and suspected of being engaged in the Slave Trade, or of being fitted out for that Traffic.*

Whereas by a Treaty concluded between *Great Britain*, *Austria*, *France*, *Prussia*, and *Russia*, signed at *London* on the Twentieth Day of *December* One thousand eight hundred and forty-one, for the total Suppression of the *African* Slave Trade, it was stipulated that certain Cruisers belonging to the said Countries respectively should be instructed to visit and detain, within particular Limits, Merchant Vessels of the other Contracting Parties engaged in the Traffic in Slaves, or suspected of being fitted out for that Traffic: And whereas the Government of has thought fit that the Vessel you command shall be one of the Cruisers furnished with the said special Instructions, you will accordingly receive Instructions from the

the said Government for your Guidance on the said Service; you are therefore authorized by virtue of those Instructions and of the present Warrant to visit Merchant Vessels under the Flag suspected of being engaged in the Traffic in Slaves, within the Limits set forth in the Second Article of the said Treaty, and to deal with such Vessels as shall have engaged in the Slave Trade, or shall be suspected of being fitted out for that Traffic, as pointed out in the said Treaty and in the Instructions thereunto annexed.

Given under our Hands and the Seal of the Office of the Day of

To the Commander of the

FORM II.—*Orders for the Guidance of the Commander of the Cruiser of one of the High Contracting Parties, in visiting and detaining a Merchant Vessel belonging to or bearing the Flag of another of the High Contracting Parties.*

Whereas by a Treaty concluded between *Great Britain*, *Austria*, *France*, *Prussia*, and *Russia*, signed at *London* on the Twentieth of *December* One thousand eight hundred and forty-one, for the total Suppression of the *African* Slave Trade, it was stipulated that certain Cruisers belonging to the said Countries respectively shall be authorized, under special Instructions therein mentioned, to visit and detain, within particular Limits, Merchant Vessels of the other Contracting Parties engaged in the Slave Trade, or suspected of being fitted out for that Traffic: And whereas we think fit that the Vessel you command shall be one of the Cruisers furnished with the said special Instructions, we herewith transmit to you a Copy of the said Treaty of the Twentieth of *December*, and of the Instructions thereunto annexed, hereinbefore mentioned; and you are accordingly authorized, by virtue of this present Order and of the accompanying Warrant from the Government of to visit, within the Limits set forth in the Second Article of the said Treaty, Merchant Vessels under the Flag, suspected of being engaged in the Slave Trade, and to deal with such Vessels as shall have engaged in that Traffic, or shall be suspected of being fitted out for that Traffic, in the Manner pointed out in the said Treaty, Warrant, and Instructions; and we charge and require you to conform most strictly to all the Provisions and Stipulations contained therein, taking care to exercise the Authority so conferred upon you in the mildest Manner, and with every Attention which is due between allied and friendly Nations, and to co-operate cordially with the Commanders of any Vessels of War employed in the same Service.

Given under our Hands and the Seal of the Office of the Day of

To the Commander of the

These Forms of Warrants and Orders shall be annexed to the Treaty signed this Day between *Great Britain*, *Austria*, *France*,

France, *Prussia*, and *Russia*, for the Suppression of the *African* Slave Trade, and shall be considered as an integral Part of that Treaty.

In witness whereof the Plenipotentiaries of the High Contracting Parties have signed this Annex, and have thereunto affixed the Seal of their Arms.

Done at *London*, the Twentieth Day of *December* in the Year of our Lord One thousand eight hundred and forty-one.

(L. S.) *Aberdeen.*
(L. S.) *Koller.*
(L. S.) *Ste Aulaire.*
(L. S.) *Schleinitz.*
(L. S.) *Brunnow.*

Annex (B.)

To the Treaty between Great Britain, Austria, France, Prussia, and Russia for the Suppression of the African Slave Trade; signed at *London*, the Twentieth Day of *December* in the Year One thousand eight hundred and forty-one.

Instructions to Cruisers.

First,—Whenever any Merchant Vessel belonging to or bearing the Flag of any One of the High Contracting Parties shall be visited by a Cruiser of any One of the other High Contracting Parties, the Officer commanding the Cruiser shall, before he proceeds to the Visit, exhibit to the Master of such Vessel the special Orders which confer upon him by Exception the Right to visit her; and he shall deliver to such Master a Certificate, signed by himself, specifying his Rank in the Navy of his Country, and the Name of the Ship which he commands, and declaring that the only Object of his Visit is to ascertain whether the Vessel is engaged in the Slave Trade, or is fitted out for the Purpose of such Traffic, or has been engaged in that Traffic during the Voyage in which she has been met with by the said Cruiser. When the Visit is made by an Officer of the Cruiser other than her Commander, such Officer shall not be under the Rank of Lieutenant in the Navy, unless he be the Officer who at the Time is Second in Command of the Ship by which the Visit is made; and in this Case such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned, signed by the Commander of the Cruiser, and shall likewise deliver to such Master a Certificate, signed by himself, specifying the Rank which he holds in the Navy of his Country, the Name of the Commander under whose Orders he is acting, the Name of the Cruiser to which he belongs, and the Object of his Visit, as herein-before recited.

If it shall be ascertained by the Visit that the Ship's Papers are regular and her Proceedings lawful, the Officer shall certify

certify upon the Log Book of the Vessel, that the Visit took place in virtue of the special Orders above mentioned, and when these Formalities shall have been completed the Vessel shall be permitted to continue her Course.

Secondly,—If in consequence of the Visit the Officer commanding the Cruiser shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, or has been engaged in that Traffic during the Voyage in which she is met with by the Cruiser, and if he shall in consequence determine to detain her, and to have her delivered up to the Jurisdiction of the competent Authorities, he shall forthwith cause a List to be made out in Duplicate of all the Papers found on board; and he shall sign this List and the Duplicate, adding after his own Name his Rank in the Navy, and the Name of the Vessel under his Command.

He shall in like Manner make out and sign in Duplicate a Declaration, stating the Place and Time of the Detention, the Name of the Vessel and that of her Master, the Names of the Persons composing her Crew, and the Number and Condition of the Slaves found on board.

This Declaration shall further contain an exact Description of the State of the Vessel and of her Cargo.

Thirdly,—The Commander of the Cruiser shall without Delay carry or send the detained Vessel, with her Master, Crew, Passengers, Cargo, and the Slaves found on board, to one of the Ports herein-after specified, in order that Proceedings may be instituted in regard to them, conformably to the Laws of the Country under whose Flag the Vessel is sailing, and he shall deliver the same to the competent Authorities, or to the Persons who shall have been specially appointed for that Purpose by the Government to whom such Port shall belong.

Fourthly,—No Person whatever shall be taken out of the detained Vessel, nor shall any Part of her Cargo, nor any of the Slaves found on board, be removed from her until after such Vessel shall have been delivered over to the Authorities of her own Nation, unless the Removal of the Whole or Part of the Crew or of the Slaves found on board shall be deemed necessary, either for the Preservation of their Lives or from any other Consideration of Humanity, or for the Safety of the Persons who shall be charged with the Navigation of the Vessel after her Detention; in any such Case, the Commander of the Cruiser, or the Officer appointed to bring in the detained Vessel, shall make a Declaration of such Removal, in which he shall specify the Reasons for the same; and the Masters, Sailors, Passengers, or Slaves so removed shall be carried to the same Port as the Vessel and her Cargo, and they shall be received in the same Manner as the Vessel, agreeably to the Regulations herein-after set forth.

Provided always, That nothing in this Paragraph shall be understood as applying to Slaves found on board of *Austrian*, *Prussian*, or *Russian* Vessels; but such Slaves shall be disposed of as is specified in the following Paragraphs.

Fifthly,

Fifthly,—All *Austrian* Vessels which shall be detained on the Stations of *America* or *Africa* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *Austrian* Jurisdiction at *Trieste*.

But if Slaves shall be found on board any such *Austrian* Vessel at the Time of her Detention, the Vessel shall in the first instance be sent to deposit the Slaves at that Port to which she would have been taken for Adjudication if she had been sailing under the *English* or *French* Flag; the Vessel shall afterwards be sent on, and shall be delivered up to the *Austrian* Jurisdiction at *Trieste* as above stipulated.

All *French* Vessels which shall be detained on the Western Coast of *Africa* by Cruisers of the other Contracting Parties, shall be carried and delivered up to the *French* Jurisdiction at *Goree*.

All *French* Vessels which shall be detained on the Eastern Coast of *Africa* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *French* Jurisdiction at the *Isle of Bourbon*.

All *French* Vessels which shall be detained on the Coast of *America* to the Southward of the Tenth Degree of North Latitude by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *French* Jurisdiction at *Cayenne*.

All *French* Vessels which shall be detained in the *West Indies* or on the Coast of *America* to the Northward of the Tenth Degree of North Latitude by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *French* Jurisdiction at *Martinique*.

All *British* Vessels which shall be detained on the Western Coast of *Africa* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *British* Jurisdiction at *Bathurst* on the River *Gambia*.

All *British* Vessels which shall be detained on the Eastern Coast of *Africa* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *British* Jurisdiction at the *Cape of Good Hope*.

All *British* Vessels which shall be detained on the Coast of *America* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *British* Jurisdiction at the Colony of *Demerara* or at *Port Royal* in *Jamaica*, according as the Commander of the Cruiser may think most convenient.

All *British* Vessels which shall be detained in the *West Indies* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *British* Jurisdiction at *Port Royal* in *Jamaica*.

All *Prussian* Vessels which shall be detained on the Stations of *America* or *Africa* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *Prussian* Jurisdiction at *Stettin*.

But if Slaves shall be found on board of any such *Prussian* Vessel at the Time of her Detention, the Vessel shall in the

first instance be sent to deposit the Slaves at that Port to which she would have been taken for Adjudication if she had been sailing under the *English* or *French* Flag; the Vessel shall afterwards be sent on, and shall be delivered up to the *Prussian* Jurisdiction at *Stettin* as above stipulated.

All *Russian* Vessels which shall be detained, on the Stations of *America* or *Africa* by the Cruisers of the other Contracting Parties, shall be carried and delivered up to the *Russian* Jurisdiction at *Cronstadt* or at *Reval*, according as the Season of the Year may allow the one or the other of those Ports to be reached.

But if Slaves shall be found on board any such *Russian* Vessel at the Time of her Detention, the Vessel shall in the first instance be sent to deposit the Slaves at that Port to which she would have been taken for Adjudication if she had been sailing under the *English* or *French* Flag; the Vessel shall afterwards be sent on, and shall be delivered up to the *Russian* Jurisdiction at *Cronstadt* or at *Reval* as above stipulated.

Sixthly,—As soon as a Merchant Vessel which shall have been detained as aforesaid shall arrive at one of the Ports or Places above mentioned, the Commander of the Cruiser, or the Officer appointed to bring in such detained Vessel, shall forthwith deliver to the Authorities duly appointed for that Purpose by the Government within whose Territory such Port or Place shall be, the Vessel and her Cargo, together with the Master, Crew, Passengers, and Slaves found on board, and also the Papers which shall have been seized on board the Vessel, and one of the Duplicate Lists of the said Papers, retaining the other in his own Possession; such Officer shall at the same Time deliver to the said Authorities One of the original Declarations as herein-before specified, adding thereto a Statement of any Changes which may have taken place from the Time of the Detention of the Vessel to that of the Delivery, as well as a Copy of the Statement of any Removals which have taken place as above provided for.

In delivering over these several Documents the Officer shall make in Writing and on Oath an Attestation of their Truth.

Seventhly,—If the Commander of a Cruiser of one of the High Contracting Parties who shall be duly furnished with the aforesaid special Instructions shall have Reason to suspect that a Merchant Vessel sailing under Convoy of or in Company with a Ship of War of any one of the other Contracting Parties is engaged in the Slave Trade, or has been fitted out for the Purpose of that Traffic, or has been engaged in the Traffic in Slaves during the Voyage in which he is met with by the said Cruiser, he shall confine himself to communicating his Suspicions to the Commander of the Ship of War, and he shall leave it to the latter to proceed alone to visit the suspected Vessel, and to deliver her up to the Jurisdiction of her own Country, if there shall be Cause for doing so.

Eighthly,—By Article IV. of the Treaty it is stipulated, that in no Case shall the mutual Right of Visit be exercised upon Ships of War of the High Contracting Parties.

It is agreed that this Exemption shall apply equally to Vessels of the *Russian American* Company, which being commanded by Officers of the Imperial Navy are authorized by the Imperial Government to carry a Flag which distinguishes them from the Merchant Navy, and are armed and equipped similarly to Transports of War.

It is further understood that the said Vessels shall be furnished with a *Russian* Patent which shall prove their Origin and Destination. The Form of this Patent shall be drawn up by common Consent. It is agreed that this Patent, when issued by the competent Authority in *Russia*, shall be countersigned at *Saint Petersburgh* by the Consulates of *Great Britain* and *France*.

Ninthly,—In the Third Clause of Article IX. of the Treaty it is stipulated, that failing Proof to the contrary, a Vessel shall be presumed to be engaged in the Slave Trade if there be found on board spare Plank fitted for being laid down as a Second or Slave Deck.

Equipment Article not to be applied to Austria, &c., &c.

In order to prevent any Abuse which might arise from an arbitrary Interpretation of this Clause, it is especially recommended to the Cruisers not to apply it to *Austrian*, *Prussian*, or *Russian* Vessels employed in the Timber Trade, whose Manifests shall prove that the Planks and Joists which they have or have had on board are or were a Part of their Cargo for Trade.

Therefore, in order not to harass lawful Commerce, Cruisers are expressly enjoined only to act upon the Stipulations contained in the Third Clause of Article IX., when there shall be on board the Vessel visited spare Plank evidently destined to form a Slave Deck.

The undersigned Plenipotentiaries have agreed in conformity with the Eighteenth Article of the Treaty, signed by them this Day, that these Instructions shall be annexed to the Treaty signed this Day between *Great Britain*, *Austria*, *France*, *Prussia*, and *Russia* for the Suppression of *African* Slave Trade, and shall be considered as an integral Part of that Treaty.

In witness whereof the Plenipotentiaries of the High Contracting Parties have signed this Annex, and have thereunto affixed the Seal of their Arms.

Done at *London*, the Twentieth Day of *December* in the Year of our Lord One thousand eight hundred and forty-one.

(L. S.) *Aberdeen.*
(L. S.) *Koller.*
(L. S.) *Ste. Aulaire.*
(L. S.) *Schleinitz.*
(L. S.) *Brunnow.*

And

And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Emperor of *Austria*, the King of *Prussia*, and the Emperor of all the *Russias*, and such Ratifications were exchanged on the Nineteenth Day of *February* in the Year One thousand eight hundred and forty-two; but the same has not been ratified by the King of the *French*: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty, and the Annexes thereto, so far as the same relate to *Great Britain*, *Austria*, *Prussia*, and *Russia*; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty, or of their Majesties the Emperor of *Austria* King of *Hungary* and *Bohemia*, the King of *Prussia*, and the Emperor of all the *Russias*, who shall have such Rank as by the Second Article of the said Treaty is agreed, and who shall be duly instructed and authorized and furnished according to the several Provisions of the said Treaty, and within the Waters described, and according to the Provisions and Exceptions contained in the said Second Article of the said Treaty, to exercise the Right of visiting and searching any *British*, *Austrian*, *Prussian*, or *Russian* Merchant Vessels liable to Suspicion, and suspected of having been engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in the Traffic during the Voyage in which she shall have been met with by the said Cruisers of Her Majesty the Queen, or by the Cruisers of *Austria*, *Prussia*, or *Russia*, except Vessels of the *Russian American* Company, commanded by Officers of the Imperial Navy, as mentioned in the Eighth Article of the Instructions to Cruisers in Annex (B.), forming an integral Part of the said Treaty, and upon sufficient Grounds of detaining, sending, carrying in, and delivering over, without Delay, any such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, to the Authorities appointed for the Purpose of the said Treaty, by the respective Governments of *Great Britain*, *Austria*, *Prussia*, and *Russia*, and to one of the Jurisdictions in the said Instructions mentioned, in order that Proceedings may be instituted conformably to the respective Laws of the said Countries; and all Commanders of Her Majesty's Ships in the Exercise of such Rights as aforesaid shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Officers commanding Ships of Her Majesty, or of their Majesties the Emperor of Austria King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, being duly authorized, empowered to visit and search Merchant Ships within certain Limits.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British*, *Austrian*, *Prussian*, or *Russian* Vessels of War duly authorized for that Purpose, according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Courts of Admiralty in Her Majesty's Dominions.

British Ships suspected of having been fitted out for the Purpose of Traffic in Slaves liable to Search and Detention.

III. And

Proceedings against British Vessels to be conducted in the Name of Her Majesty.

III. And be it enacted, That where any such Officer of their Majesties the Emperor of *Austria* King of *Hungary* and *Bohemia*, the King of *Prussia*, and the Emperor of all the *Russias*, shall send, carry, or deliver over as aforesaid any such Merchant Vessel, wholly or in part owned by any Subject or Subjects of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, every Proceeding instituted in the Tribunals herein-after mentioned in regard to such Merchant Vessel and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of Her Majesty by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be detained by the Cruisers of their said Majesties the Emperor of *Austria*, King of *Prussia*, and Emperor of all the *Russias*, and delivered up to the Jurisdiction of Her Majesty at *Bathurst*, on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court of *Sierra Leone*; and that all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruisers of Their said Majesties, and delivered up to the Jurisdiction of Her Majesty, either at *Jamaica*, *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively, and the Judges and other Officers of the said Vice Admiralty Courts respectively shall be authorized to take cognizance thereof accordingly.

Vessels equipped for Traffic in Slaves to be held as engaged in the Slave Trade, unless the contrary is proved.

IV. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in her Outfit or Equipment, or on board of any such Merchant Vessel wholly or in part owned by any Subject or Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*.

5 G. 4. c. 113.

To whom Proceeds of British Vessels confiscated shall be paid.

V. And be it enacted, That in case any such Merchant Vessel, wholly or in part owned as last aforesaid, shall be seized by any Officer of Their Majesties the Emperor of *Austria*, King of *Prussia*, or Emperor of all the *Russias* duly authorized, and shall, with the Goods, Wares, and Merchandize laden therein, be confiscated according to the Laws of this Country, and the Provisions of the said Treaty, the Proceeds arising from the Sale thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

The Trial of Vessels engaged in the Slave Trade.

VI. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, to take cognizance of and try any such *British* Vessel which shall be detained or captured within the Limits aforesaid, under any such Order or Authority, and

to condemn any such Vessel and adjudge as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of Parliament in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Punishing Persons giving false Evidence.

VII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had, or Affidavit taken in any Proceeding under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed, or in any Colony or Settlement of Her Majesty near thereto, in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench, the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

VIII. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves taken, seized, or detained by virtue of the said Treaty in the High Court of Admiralty in *England*, or in any Vice Admiralty Court, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or any thing done in pursuance of the Provisions of the said Treaty.

Vessels condemned to be sold for Her Majesty's Service or broken up.

IX. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to One Moiety of the Proceeds.

X. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the Treaty or Articles herein-before mentioned, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized to make such Seizure under the Provisions of the said Treaty, and shall be afterwards condemned by any of the said Tribunals, there shall be paid to the Captors One Moiety of the net Proceeds, after deducting all necessary

necessary Expences; such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for Slaves captured.

XI. And be it enacted, That there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British*, *Austrian*, *Prussian*, or *Russian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council, or by any Proclamation to be made for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

XII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, in addition to the Amount which may be payable in respect of the Moiety of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized, an additional Bounty to be paid.

XIII. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel, at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of the Consolidated Fund.

XIV. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

XV. And

XV. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description. Bounties not liable to Payment of Fees.

XVI. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money, the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy duly certified of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory. Proof of Tonnage.

XVII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves, the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves. Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XVIII. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any *British*, *Austrian*, *Prussian*, or *Russian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over. One Moiety of the Bounty only to be paid in certain Cases.

XIX. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British*, *Austrian*, *Prussian*, or *Russian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure. Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XX. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War. Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

XXI. And

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained but not condemned.

XXI. And be it enacted, That where any Ship or Vessel belonging in whole or in part to the Subjects of the Emperor of *Austria*, King *Prussia*, or Emperor of all the *Russias* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored as mentioned in the Twelfth Article of the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon, either by the Parties interested therein or by Order of the said Commissioners of Her Majetsy's Treasury.

The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expences incurred by him.

XXII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizure under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

No Compensation to be made when any Articles specified in the Ninth Article of the Treaty are found on board.

XXIII. Provided always, and be it enacted, That if any of the Things specified in the Ninth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Courts, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although such Tribunal should not pronounce any Sentence of Condemnation.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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Slave Trade, and the Flag of the said Republic from being employed in any way in carrying on that Traffic, and binds itself specially to procure from the National Congress as soon as possible a penal Law by which the severest Punishment shall be imposed on all Citizens of the Republic who shall, under whatsoever Pretext, take any Part in the aforesaid Traffic in Slaves.

ARTICLE III.—The *Mexican* Government engages to propose in the National Congress a Law which shall declare to be Pirates all such Citizens of the Republic as may be engaged in the Slave Trade, as well as all such Individuals as may carry it on under the National Flag; and Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and His Excellency the President of the Republic mutually bind themselves to promulgate or propose in their respective Legislatures the most suitable Measures for immediately carrying into execution the Laws of Piracy, which are to be applicable to the said Traffic, in conformity with the legislative Enactments of each of the Two Countries with respect to the Vessels and Subjects or Citizens of the Two Nations.

ARTICLE IV.—In order to prevent completely all Infringement of the Spirit of the present Treaty the Two High Contracting Parties mutually consent that the Ships of their respective Navies, which shall be provided as herein-after mentioned with special Instructions for the Purpose, may search such Merchant Vessels of the Two Nations as may be suspected, on reasonable Grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the Purpose thereof, or of having, during the Voyage in which they may be met with by the said Cruisers, been engaged in the Traffic in Slaves, in contravention of the Stipulations of the present Treaty; and the Two Contracting Parties also agree that the said Cruisers may detain such Vessels, and send or convey them to be tried in the Manner herein-after provided.

With a view to avoid even the Possibility of Annoyance to the Coasting Trade of *Mexico* from the Exercise of the mutual Right of Search stipulated in the present Article, the High Contracting Parties agree that the said Right shall not be enforced within a Line drawn from the Mouth of the *Rio Bravo del Norte*, in Twenty-five Degrees Fifty-five Minutes of North Latitude, and Ninety-seven Degrees Twenty-five Minutes of Longitude West from *Greenwich*, to the Port of *Sisal* in the Peninsula of *Yucatan*, in Twenty-one Degrees Six Minutes of North Latitude, and Ninety Degrees Four Minutes of Longitude West from *Greenwich*; it being always understood that if a Vessel suspected of being engaged in the Slave Trade shall be discovered without the said Line by a *British* or *Mexican* Cruiser, and shall succeed in passing within that Line, it shall not on that Account be considered as protected by the present Restriction, which is solely adopted for the greater Security of the Coasting Trade of *Mexico*.

Nor shall the reciprocal Right of Search be exercised in the *Mediterranean Sea*, nor in the Seas of *Europe* lying without the Straits of *Gibraltar*, and to the North of the Thirty-seventh Parallel of North Latitude, and to the Eastward of the Meridian of Twenty Degrees West of *Greenwich*.

ARTICLE V.—In order to regulate the Mode of carrying into execution the Provisions of the preceding Article, it is agreed,—

First,—That their respective Governments shall provide the Ships of the Navies of the Two Nations to be employed in future in the Prevention of the Slave Trade with Copies, in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions for Cruisers annexed thereto, *sub literâ* (A.), and of the Regulations for the Tribunals which shall have to try the Vessels detained by virtue of the Stipulations contained in this Treaty, which are also annexed, *sub literâ* (B.), which Annexes respectively shall be considered as integral Part of the said Treaty.

Secondly,—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships destined for this Service, and furnished with such Instructions, the Force of each, and the Names of their Commanders.

Thirdly,—That when the Commander of a Cruiser of either of the Two Nations shall suspect that any One or more Vessel or Vessels navigating under the Escort or Convoy of a Ship of War of the other Nation carries Slaves on board, or has been engaged in this prohibited Traffic, or is fitted out for it, he shall communicate his Suspicions to the Commanding Officer of the Convoy, who, accompanied by the Commanding Officer of the Cruiser, shall proceed to the Search of the suspected Vessel; and in case that the Suspicions appear well founded according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to the Place where it is to be brought to Trial, in order that the just Sentence may there be pronounced.

Fourthly,—It is further agreed, that the Commanders of the Ships of the Two Navies who shall be employed on this Service shall adhere in each Case to the exact Tenor of the said Instructions.

ARTICLE VI.—As the Two preceding Articles are entirely reciprocal, the High Contracting Parties engage to make good any Losses incurred by their respective Subjects or Citizens by the arbitrary and illegal Detention of their Vessels, it being understood that this Compensation shall be paid invariably by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention; and they also engage that the Visit and Detention of Vessels, specified in the Fourth Article of this Treaty, shall only be effected by such *English* or *Mexican* Ships as may form Part of the Royal and National Navies of the High Contracting Parties, and which are provided with the Documents mentioned in the preceding Article.

ARTICLE

ARTICLE VII.—It is agreed by the present Article, that the Vessels detained, in conformity with the Fourth Article of this Treaty, by *British* or *Mexican* Cruisers, shall be conducted or sent, together with their Commanders, Crews, and Cargoes, to the nearest Point in the Country to which the captured Vessel belongs, where there may be a competent Tribunal to try it; (that is to say,) *British* Vessels are to be conducted or sent to the nearest Possession of Her *Britannic* Majesty where such Tribunal exists, and *Mexican* Vessels to the Port of *Vera Cruz*, except in Cases in which Slaves shall be on board at the Time of Capture; in such Cases the Vessel shall be sent or conducted to the nearest Possession of either of the Two Powers, or to such Place belonging to either as may be soonest reached, according to the Judgment of the Commander of the capturing Ship, under his own Responsibility, in order that the Slaves may be landed; the Vessel, with the Remainder of her Cargo, her Commander and Crew, shall be afterwards sent or conducted to the Place where she is to be tried, in conformity with the before-mentioned Provisions of this Article.

The Governments of the High Contracting Parties shall have the Power to name, by themselves or through the Medium of their Legations or Consulates, an Advocate, who may be a Subject or Citizen of either of the Two Nations, to undertake the Prosecution or Defence, as the Case may be, of the Vessels brought to Trial, and solemnly pledge themselves to afford to such Advocates all necessary Liberty and Protection, and such as is allowed by Law to the Advocates of the Country.

For the more speedy Conclusion of these Trials, the High Contracting Parties engage to procure the Enactment of Laws which shall abridge as much as possible the Forms of Indictment and Sentence.

ARTICLE VIII.—When the Commanding Officer of any of the Ships of the Navies of Her *Britannic* Majesty or of the Republic of *Mexico*, commissioned respectively in due Form, according to the Provisions of the Fourth Article of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from the Instructions annexed thereto, the Government which shall conceive itself wronged shall be entitled to demand Reparation, and in such Case the Government in whose Service the said Commanding Officer may be binds itself to cause an Inquiry to be made into the Subject of Complaint, and to inflict on such Officer a Punishment proportioned to the Offence.

ARTICLE IX.—It is further agreed, that every Merchant Vessel, *British* or *Mexican*, which shall be visited by virtue of the present Treaty, may be detained and sent or brought before the proper Tribunals, if there shall be found in her Equipment any of the following Things:—

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold, or on Deck, in greater Number than are necessary for a Vessel engaged in a lawful Trade.

Thirdly,

Thirdly,—Spare Plank prepared to be fitted up as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A Quantity of Water in Casks or Tanks much greater than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House of the Port from which he cleared outwards, stating that the Owners of such Vessel had given sufficient Security that such extra Quantity of Casks or of other Vessels should only be employed to receive Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighthly,—A Boiler of an unusual Size, and larger than is requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

Ninthly, — An extraordinary Quantity of Rice, of Flour of Brazil, of Manioc or Cassava commonly called Farina, of Maize, exceeding what might probably be consumed by the Crew, such Rice, Flour, or Maize not appearing to be entered on the Manifest as Part of the Cargo for Trade.

Any One or more of these several Circumstances, if proved, shall be considered as Indications *primâ facie* of the actual Employment of the Vessel in the Slave Trade, and will serve therefore to condemn and declare her a lawful Prize, unless it be established by satisfactory Evidence on the Part of the Master or Owners that the Vessel at the Time of her Detention was employed in some legal Pursuit.

Article X.—If any of the Things specified in the preceding Article be found in any Merchant Vessel, no Compensation for Losses, Damages, or Expences resulting from the Detention of such Vessel shall be allowed either to her Master or to her Owner, or other Person interested in her Equipment or Lading, even though the Tribunal declare her acquitted.

Article XI.—It is hereby agreed between the Two High Contracting Parties that in all Cases in which a Vessel shall be detained, according to the Stipulations of this Treaty, by their respective Cruisers as having been engaged in the Slave Trade, or as having been fitted out for the Purpose thereof, and shall consequently be tried and condemned by the proper Tribunal, the said Vessel shall, immediately after her Condemnation, be broken up, and the separate Parts sold.

Article XII. — Each of the High Contracting Parties solemnly binds itself to guarantee the Liberty of the Negroes who may be emancipated and conducted to either of the Two

Nations, by virtue of the Stipulations of this Treaty, from the Moment of their landing in their respective Territories, and to afford from Time to Time, when demanded by the other Party or by the respective Tribunals, the fullest Information as to the State and Condition of such Negroes, with a view of insuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations annexed to this Treaty, *sub literâ* (C.), as to the Treatment of such liberated Negroes, have been drawn up and declared an integral Part of the said Treaty.

The High Contracting Parties reserve to themselves the Right of altering and suspending, by common Consent, but not otherwise, the Terms of the said Regulations.

ARTICLE XIII.—The Annexes of this Treaty, which it is mutually agreed shall form an integral Part thereof, are as follows:

(A.) Instructions for the Ships of the *British* and *Mexican* Navies destined to prevent the Traffic in Slaves.

(B.) Regulations for the Tribunals which are to take cognizance of the Trials of the Vessels detained by virtue of the Stipulations of this Treaty.

(C.) Regulations for the Treatment of the liberated Negroes.

ARTICLE XIV.—As the principal Object of this Treaty, additional Articles, and Three Annexes which form Part of it, is no other than that of preventing the Traffic in Slaves, without any Annoyance to the respective Merchant Shipping of the Two Nations, the High Contracting Parties, animated by the same Sentiments, agree that if in future it should appear necessary to adopt new Measures for attaining the said beneficent Object, or for obviating any Inconvenience to the aforesaid Shipping, which Experience shall have made known, in consequence of those established in this Treaty, additional Articles, and Annexes proving inefficacious, the said High Contracting Parties will consult together for the complete Attainment of the Object proposed.

ARTICLE XV.—The present Treaty, consisting of Fifteen Articles, shall be ratified, and the Ratifications thereof exchanged in *London*, within a Year from this Date.

In witness whereof the respective Plenipotentiaries have signed, in Duplicate, in the *English* and *Spanish* Languages, the present Treaty, and have affixed their respective Seals.

Done in the City of *Mexico*, this Twenty-fourth Day of *February* in the Year of our Lord One thousand eight hundred and forty-one.

(L. S.) *Richard Pakenham.*
(L. S.) *Luis Gonzaga Cuevas.*

ADDITIONAL ARTICLES.

I.—Her *Britannic* Majesty agrees that, for the first Eight Years of the Duration of the present Treaty, the Government of the Republic shall not be obliged to appoint Cruisers to prevent the Traffic in Slaves; but the said Government of *Mexico* reserves to itself the Right of appointing such Cruisers as soon as the Circumstances of its Navy may permit such Appointment, giving Notice thereof to the Government of Her *Britannic* Majesty.

II.—To avoid even the Possibility of Prejudice resulting from the Ninth Article of Treaty of this Date to the Merchant Vessels which the *Mexican* Government may have occasion to employ in certain Cases for the Conveyance of Troops by Sea, or of Convicts from one Point of the Republic to another, it is agreed to except from the Operation of the Ninth Article the Merchant Vessels employed by the *Mexican* Government in such Service; such Vessels shall not be liable to be detained, even if One or more of the Things mentioned in the aforesaid Article should be found on board, provided they do not convey Negroes for the Slave Trade, and that the Captain of the Vessel on board which the prohibited Articles or Effects are found produce a Document, signed by any competent Authority of the Republic, stating the Service on which such Vessel is employed; but such Document must not be of a Date so remote that it may be believed, on reasonable Grounds, to have been issued for another Voyage anterior to that on which such Vessel has been met with.

The Two preceding additional Articles shall have the same Force and Effect as if they had been inserted, Word for Word, in the Treaty of this Date. They shall be ratified and the Ratifications exchanged at the same Time as those of the Treaty of which they form Part.

In witness whereof the respective Plenipotentiaries have signed them, and affixed their Seals.

Done in the City of *Mexico*, this Twenty-fourth Day of *February* in the Year of our Lord One thousand eight hundred and forty-one.

(L. S.) *Richard Pakenham.*
(L. S.) *Luis Gonzaga Cuevas.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of MEXICO for the ABOLITION of the SLAVE TRADE.

Instructions for the Ships of the British and Mexican Navies employed to prevent the Traffic in Slaves.

ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty or of the Republic of *Mexico*, duly

duly furnished with these Instructions, shall have the Right to visit, search, and detain any *British* or *Mexican* Merchant Vessel which shall be engaged, or suspected on good Grounds of being engaged, in the Slave Trade, or of being fitted out for that Purpose, or of having been engaged in the said Traffic during the Voyage in which such Vessel may be met with by such Ship of the *British* or *Mexican* Navy. If such Commander should find his Suspicions borne out, he may send or bring such Vessels as soon as possible to be tried by the competent Tribunals, according to the Tenor of the Seventh Article of the Treaty of this Date.

ARTICLE II.—Whenever a Ship of either of the said Two Navies, duly authorized as aforesaid, shall meet a Merchant Vessel liable to be visited under the Provisions of the Treaty, the Search shall be conducted in the most considerate Manner, and with every Attention which ought to be observed between Two allied and friendly Nations; and the Search shall in every Case be made by an Officer holding a Rank not lower than that of Lieutenant in the Navy to which he belongs, or by the Officer who at the Time shall be second in Command of the Ship by which the Search is made.

ARTICLE III.—The Commander of any Ship of the Two Navies, duly authorized, who may detain any Merchant Vessel in pursuance of the present Instructions, shall leave on board the detained Vessel her Master, Mate, or Boatswain, and Two or Three at least of her Crew, all her Cargo, and all the Slaves, until they arrive at the Place where they are to be disembarked, as stipulated in the Seventh Article of the Treaty.

The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, to be signed by himself, which shall set forth the State in which he found the detained Vessel, and this Document shall be given in or sent together with the captured Vessel to the Tribunal before which such Vessel shall be carried or sent for Adjudication.

The said Captor shall deliver to the Master of the detained Vessel a signed Certificate, stating the Papers seized on board the same, as well as the Number of Slaves found on board at the Time of Detention.

In the authentic Declaration hereby required to be made by the Captor, and in the Certificate of the Papers seized, he shall insert his Name and Rank, the Name of the capturing Ship, the Latitude and Longitude of the Spot where the Detention shall have taken place, and the Number of Slaves found on board the Vessel at the Time of such Detention.

The Declaration to be produced by the capturing Commander shall also set forth the Place where the Slaves have been landed, in pursuance of the Stipulation in the Seventh Article of the Treaty, as well as the Necessity and Reasons for having conveyed them to such Place.

The Officer in charge of the detained Vessel shall, at the Time of giving in the aforesaid Papers to the proper Tribunal, produce a Statement, sworn to and signed by himself, of the Changes which may have taken place with respect to the Vessel, her Crew, the Slaves, if any, and her Cargo, from the Time of her Detention to the Day of the Delivery of such Document.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed this Day, that the preceding Instructions, consisting of Three Articles, shall be annexed to the said Treaty, and be considered an integral Part thereof.

Done in the City of *Mexico*, this Twenty-fourth Day of *February* One thousand eight hundred and forty-one.

(L.S.) *Richard Pakenham:*
(L.S.) *Luis Gonzaga Cuevas.*

ANNEX (B.)

OF the TREATY between GREAT BRITAIN and the REPUBLIC of MEXICO for the ABOLITION of the SLAVE TRADE.

Regulations for the Courts which are to take cognizance of the Causes of the Vessels detained by virtue of the Stipulations of the Treaty of this Date.

ARTICLE I.—The Courts which, according to the Laws of the Two Contracting Nations, are to take cognizance of the Causes of the Vessels detained by virtue of the Stipulations of the Treaty to which these Regulations are annexed, shall proceed in the most summary Manner permitted by the Laws of their respective Countries, and with entire Subjection to the Stipulations of the said Treaty, observing in every Case the strictest Impartiality.

Each of the Two High Contracting Parties engages to pay out of their respective Treasuries the Salaries of the Judges and Officers appointed to take cognizance of these Causes.

ARTICLE II.—The Expences incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Slaves, and Cargo, and the Expences of carrying the Sentence into execution, and all Disbursements occasioned in bringing the Vessel before the competent Court, shall, in case of Condemnation, be defrayed from the Funds arising from the Sale of the Materials of the Vessel after the same shall have been broken up, of the Ship's Stores, and other Articles of Merchandize found on board; and in case the Proceeds arising from such Sales should not prove sufficient to defray such Expences the Deficiency shall be made good by the Government of the Country within whose Territory the Vessel shall have been tried.

If the detained Vessel shall be acquitted, the Expences occasioned by bringing her to Adjudication shall be defrayed by the

Captor, except in the Cases specified and provided for in the Tenth Article of the Treaty of this Date, and in the Sixth Article of these Regulations.

ARTICLE III.—The final Sentence of the Courts which have to take cognizance of these Causes shall not in any Case be delayed for more than Two Months, whether on account of the Absence of Witnesses or for any other Cause, except upon the Application of any of the Parties interested; but in that Case, upon such Party or Parties giving satisfactory Security that they will take upon themselves the Expence and Risks of the Delay, the Courts may, at their Discretion, grant any additional Delay, not exceeding Four Months. Either Party may employ such Person or Persons as he may think fit to assist him in the Trials in question.

All the Acts and essential Parts of the Proceedings of the respective Courts shall be drawn up in Writing in the Language of the Country to which the Court belongs.

ARTICLE IV.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master, or to the Person who represents him; and such Master or other Person may, before the same Court, claim a Valuation of the Damages which he may have a Right to demand.

The Captor himself, and in his Default his Government, shall remain responsible fot rhe Damages to which the Master of such Vessel, or the Owners, either of the Vessel or of her Cargo, may be pronounced to be entitled.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject.

ARTICLE V.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, and the said Vessel shall, as well as her Cargo, be sold by public Auction, for the Benefit of the Two Governments, subject to the Payment of the Expences herein-after mentioned.

ARTICLE VI.—The Courts shall also take cognizance of, and shall decide definitively and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts; and in Cases wherein Restitution of such Vessels and Cargoes shall be decreed, save as mentioned in Article the Tenth of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these

Regulations, the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; and it is agreed that the Indemnification shall be as follows:

First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For the Ship, her Tackle, Equipment, and Stores.

(b) For all Freights due and payable.

(c) For the Value of the Cargo of Merchandize, if any, deducting all Charges and Expences payable upon the Sale of such Cargo, including Commission of Sale.

(d) For all other regular Charges in such Case of total Loss.

Secondly,—In all other Cases (save as herein-after mentioned), not of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For all special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight when due or payable.

(b) For Demurrage, when due, according to the Schedule annexed to the present Article.

(c) For any Deterioration of the Cargo.

(d) For all Premium of Insurance on additional Risks.

The Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnifications shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be liquidated at the Exchange current at the Time of the Award.

The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Court that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expences consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

100	Tons	to	120	inclusive	- -	£ 5	*per Diem.*
121	„		150	„	- -	6	„
151	„		170	„	- -	8	„
171	„		200	„	- -	10	„
201	„		220	„	- -	11	„
221	„		250	„	- -	12	„
251	„		270	„	- -	14	„
271	„		300	„	- -	15	„

And so in proportion.

ARTICLE VII.—Neither the Magistrates who constituted the Courts, nor the Secretaries, nor the subordinate Officers, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of their Duties.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty of this Date, that the preceding Regulations, consisting of Seven Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

Done in the City of *Mexico*, this Twenty-fourth Day of *February* One thousand eight hundred and forty-one.

(L. S.) *Richard Pakenham.*
(L. S.) *Luis Gonzaga Cuevas.*

ANNEX (C.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of MEXICO for the ABOLITION of the SLAVE TRADE.

Regulations for the Treatment of liberated Negroes.

ARTICLE I.—The Object of these Regulations is, to secure to Negroes liberated by the Stipulations of the Treaty to which they form an Annex, *sub literâ* (C.), permanent good Treatment, and full and complete Emancipation, in conformity with the humane Intentions of the High Contracting Parties.

ARTICLE II.—As soon as the Slaves are disembarked, in conformity with the Provisions of the Seventh Article of the Treaty to which these Regulations are annexed, they shall receive from the chief political Authority a Certificate of Emancipation, and shall immediately be placed at the Disposition of the Government of the Nation to which the Point or Place of Disembarkation belongs, in order that they may be treated in accordance with the present Regulation.

ARTICLE III.—The Government of the Republic of *Mexico* engages, when the Case occurs, to secure to the Negroes the Enjoyment of their acquired Liberty, good Treatment, adequate Instruction in the Tenets of Religion and Morality, and such as may be necessary in order that they may be able to maintain themselves as Artizans, Mechanics, or domestic Servants.

ARTICLE IV.—Her *Britannic* Majesty, in like Manner, engages to treat such Negroes, when disembarked in any Point of Her Dominions, in exact Conformity with the Laws in force in the Colonies of *Great Britain* for the Regulation of the emancipated Negroes.

ARTICLE V.—The Two Governments engage to take the requisite Measures, with a view to obtain, periodically, Information of the Existence of the Negroes who may have been emancipated by virtue of the Treaty of this Date, of the Improvement in their Condition, and of the Progress made in their Instruction, both religious and moral, as also in the Arts of Life, or Proof of their Death. These Data will serve to furnish, as the Case occurs, the Information spoken of in the Twelfth Article of the said Treaty.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty of this Date, that these Regulations, consisting of Five Articles, shall be annexed to the said Treaty, and be considered as an integral Part thereof.

Done in the City of *Mexico*, this Twenty-fourth Day of *February* in the Year of our Lord One thousand eight hundred and forty-one.

(L. S.) *Richard Pakenham.*
(L. S.) *Luis Gonzaga Cuevas.*

And whereas on the Thirteenth Day of *April* in the Year of our Lord One thousand eight hundred and forty-two a further additional Article to the said Treaty was concluded and signed, whereby it was agreed as follows:

ADDITIONAL ARTICLE.—The Ratifications of the Treaty for the Suppression of the Slave Trade under the Flag of *Mexico*, concluded at *Mexico* on the Twenty-fourth Day of *February* in the Year One thousand eight hundred and forty-one, shall be exchanged in *London* within Six Months from the Date of this Agreement.

The present additional Article shall have the same Force and Effect as if it had been inserted, Word for Word, in the aforesaid Treaty of the Twenty-fourth Day of *February* in the Year One thousand eight hundred and forty-one, and the Ratifications of it shall be exchanged in *London* at the same Time as the Ratification of the Treaty of which it forms a Part.

In witness whereof the respective Plenipotentiaries have signed the present Agreement, and have affixed their respective Seals.

Done in the City of *Mexico*, the Thirteenth Day of *April* in the Year of our Lord One thousand eight hundred and forty-two.

(L. S.) *Richard Pakenham.*
(L. S.) *Jose Maria Tornel.*

And whereas the said Treaty and additional Article was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Mexico*, and such Ratifications were exchanged at *London* on the Twenty-ninth Day of *July* in the Year One thousand eight hundred and forty-two: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty and

Annexes, and additional Article: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Officers commanding Ships of Her Majesty or of the Mexican Republic, duly authorized and empowered to visit and search Merchant Ships of the Two Nations, within certain Limits.

That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the *Mexican* Republic, and who shall be duly instructed and authorized according to the Provisions of the said Treaty, and for any Officer not below the Rank of Lieutenant, unless he be at the Time Commander or second in Command of the searching Ship instructed and authorized as aforesaid, to visit and detain in any Seas, except within the Limits exempted by the Terms of the Fourth Article of the said Treaty, any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or having been fitted out for that Purpose, or having been engaged in such Traffic during the Voyage in which such Vessel is met, contrary to the Provisions of the said Treaty, and to send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication as herein-after mentioned; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

British Ships suspected of having been fitted out for the Purpose of Traffic in Slaves liable to Search and Detention.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects, which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Mexican* Vessels of War duly authorized for that Purpose, according to the Stipulations of the said Treaty, and subject to Adjudication, as herein-after mentioned.

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

III. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board of any such Merchant Vessel, wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*.

5 G. 4. c. 113

The Trial of Vessels engaged in the Slave Trade.

IV. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, to take cognizance of and try any such *British* Vessel which shall be detained or captured within the Limits aforesaid under any such Order or Authority, and to condemn any such Vessel, and adjudge, as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of Parliament in

force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Punishing Persons giving false Evidence.

V. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

VI. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or any thing done under or in pursuance of the Provisions of the said Treaty.

Vessels condemned to be sold for Her Majesty's Service or broken up.

VII. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts for the Benefit of the Two Governments of *Great Britain* and *Mexico*, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

VIII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the Treaty or Articles herein-before mentioned, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion of the net Proceeds to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed

directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for Slaves captured.

IX. And be it enacted, That there shall be paid to the Commander, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Mexican* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order, by any Order in Council, or by any Proclamation to be made for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

X. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale, as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized, an additional Bounty to be paid.

XI. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned, under the Provisions of the said Treaty, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of the Consolidated Fund.

XII. And be it enacted, That all Bounties payable under this Act shall be paid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions; and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

XIII. And

XIII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description. Bounties not liable to Payment of Fees.

XIV. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory. Proof of Tonnage.

XV. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves. Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XVI. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any *British* or *Mexican* Ship or Vessel taken and condemned in pursuance of the said Treaty and of this Act, but who shall not have been delivered over, in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over. One Moiety of the Bounty only to be paid in certain Cases.

XVII. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Mexican* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure. Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XVIII. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed, under the Provisions of this Act, to the Officers and Crews of any of Her Majesty's Ships and Vessels of War. Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained but not condemned.

XIX. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the *Mexican* Republic shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth and Sixth Articles of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon either by the Parties interested therein or by Order of the said Commissioners of Her Majesty's Treasury.

The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expences incurred by him.

XX. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

No Compensation to be made when any Articles specified in the Ninth Article of the Treaty are found on board.

XXI. Provided always, and be it enacted, That if any of the Things specified in the Ninth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the Tribunals before mentioned, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although such Tribunal should not pronounce any Sentence of Condemnation.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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the Punishment attached to Piracy on all *Chilian* Citizens who shall, under any Colour or Pretext, take any Part whatever in the Traffic of Slaves; and he in like Manner engages to adopt, from Time to Time as may become needful, the most effectual Measures for preventing the Citizens of the said Republic of *Chile* from being concerned, and the Flag of that Republic from being used, in carrying on in any way the Traffic in Slaves.

ARTICLE III.—Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the President of the Republic of *Chile* hereby mutually engage that, by an additional Convention hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the Details of the Measures by which the Law of Piracy, which will become applicable to that Traffic by the Legislation of each of the Two Countries, shall be immediately and reciprocally carried into execution with respect to the Vessels and Subjects or Citizens of each.

ARTICLE IV.—In order more completely to carry into effect the Spirit of the present Treaty the Two High Contracting Parties mutually consent that those Ships of their Navies respectively which shall be provided with special Instructions for that Purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may be suspected, upon reasonable Grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the Purposes thereof, or of having, during the Voyage in which they are met by the said Cruisers, been engaged in the Traffic in Slaves, contrary to the Provisions of this Treaty; and that such Cruisers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner herein-after agreed upon.

ARTICLE V.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution, it is agreed,—

First,—That all Ships of the Navies of the Two Nations which shall be hereafter employed to prevent the Traffic in Slaves shall be furnished by their respective Governments with a Copy, in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions for Cruisers annexed thereto, *sub literâ* (A.), and of the Regulations for the Mixed Courts of Justice annexed thereto, *sub literâ* (B.), which Annexes shall be considered as an integral Part of the Treaty:

Secondly,—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each Ship, and the Names of their several Commanders:

Thirdly,—That if at any Time there shall be just Cause to suspect that any Merchant Vessel sailing under the Flag of either Nation, and proceeding under the Convoy of any Ship or Ships of War of either of the Contracting Parties, is engaged or is intended to be engaged in the Traffic in Slaves, or is fitted out for the Purposes thereof, or has, during the

Voyage on which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the Commander of any Ship of the Navy of either of the Two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such Merchant Vessel; and such Commander shall proceed to visit the same, in communication with the Commanding Officer of the Convoy, who, it is hereby agreed, shall give every Facility to the Visit, and to the eventual Detention, of such Merchant Vessel, and in all Things shall assist to the utmost of his Power in the due Execution of the present Treaty, according to the true Intent and Meaning thereof:

Fourthly,—It is further mutually agreed, that the Commanders of the Ships of the Two Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of the aforesaid Instructions.

Article VI.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects or Citizens may incur by the arbitrary and illegal Detention of their Vessels, it being understood that this Indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention, and that the Visit and Detention of Vessels, specified in Article IV. of this Treaty, shall only be effected by those *British* or *Chilian* Ships which may form Part of the Navies (Royal and National) respectively of the Two High Contracting Parties to the Treaty, and such Ships only of those Navies as shall be provided with the special Instruction annexed to the present Treaty, in pursuance of the Provisions thereof:

The Compensation for Damages of which this Article treats shall be made within the Term of One Year, reckoned from the Day on which the Mixed Court of Justice pronounces Sentence on the Vessel for the Detention of which such Compensation is claimed.

Article VII.—In order to bring to Adjudication with as little Delay and Inconvenience as possible the Vessels which may be detained according to the Tenor of Article IV. of this Treaty, there shall be established, within the Space of a Year at furthest from the Exchange of the Ratifications of the present Treaty, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations named for this Purpose by the Two High Contracting Parties especially.

These Courts shall reside, one in a Possession belonging to Her *Britannic* Majesty, the other within the Territories of the Republic of *Chile;* and the Two Governments at the Period of the Exchange of the Ratifications of the present Treaty shall declare, each for its own Territories, in what Places the Courts shall respectively reside; each of the Two High Contracting Parties reserving to itself the Right of changing at its Pleasure the Place of Residence of the Court held within its own Territories; provided, however, that one of the Two Courts shall always

always be held upon the Coast of *Africa*, and the other in one of the Possessions of the Republic of *Chile*.

These Courts shall judge the Causes submitted to them according to the Provisions of the present Treaty, without Appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral Part thereof.

ARTICLE VIII.—If the Commanding Officer of any of the Ships of the Navies of *Great Britain* and of *Chile* respectively, duly commissioned according to the Provisions of Article IV. of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation; and in such Case the Government to which such Commanding Officer may belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may have committed.

ARTICLE IX.—It is hereby further mutually agreed, that every Merchant Vessel, *British* or *Chilian*, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; namely,

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold, or on Deck, in a greater Number than are necessary for Vessels engaged in lawful Trade.

Thirdly,—Spare Plank fitted for being laid down as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared outwards, stating that a sufficient Security had been given by the Owners of such Merchant Vessel that such extra Quantity of Casks or other Vessels should only be used for the Reception of Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighthly,—A Boiler of an unusual Size, and larger, or fitted for being made larger, than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

Ninthly,

Ninthly,—An extraordinary Quantity either of Rice, of the Flour of Brazil, Manioc, or Cassada, commonly called Farina, of Maize or Indian Corn, or of any other Article of Food whatever, beyond what might probably be required for the Use of the Crew, such Rice, Flour, Maize, Indian Corn, or other Article of Food not being entered on the Manifest as Part of the Cargo for Trade.

Tenthly,—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel.

Any One or more of these several Things, if proved, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade; and the Vessel shall thereupon be condemned and be declared lawful Prize, unless clear and incontestible Evidence on the Part of the Master or Owners shall establish, to the Satisfaction of the Court, that such Vessel was, at the Time of her Detention or Capture, employed in some legal Pursuit, and that such of the several Things above enumerated as were found on board her at the Time of her Detention, or had been put on board on the Voyage on which the Vessel when captured was proceeding, were needed for legal Purposes on that particular Voyage.

Article X.—If any of the Things specified in the preceding Article shall be found in any Merchant Vessel, no Compensation for Losses, Damages, or Expences consequent upon the Detention of such Vessel shall in any Case be granted either to her Master or to her Owner, or to any other Person interested in her Equipment or Lading, even though the Mixed Court of Justice should not pronounce any Sentence of Condemnation in consequence of her Detention, the Intention of the Two High Contracting Parties in agreeing to this Stipulation being to discourage, by all the Means at their Disposal, the Embarkation of Stores of the Class enumerated in the foregoing Article, under any Pretext, or for whatever Purpose they may be intended, and which, though discovered on board of a Vessel not actually engaged or to be employed in the Traffic in Slaves, may be surreptitiously converted to the furtherance of the iniquitous Designs of those who are, or may hereafter be so, in contravention of the Provisions of this Treaty.

Article XI.—It is hereby agreed between the Two High Contracting Parties, that in all Cases in which a Vessel shall be detained under this Treaty by their respective Cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the Purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said Vessel shall, immediately after its Condemnation, be broken up entirely, and shall be sold in separate Parts after having been so broken up.

Article XII.—The Negroes who are found on board of a Vessel detained by a Cruiser, and condemned by the Mixed

Courts of Justice, in conformity with the Stipulations of this Treaty, shall be placed at the Disposition of the Government whose Cruiser has made the Capture, on the distinct Understanding that they shall be immediately set at liberty and kept free, the Government to which they have been delivered guaranteeing the same, and likewise engaging to afford from Time to Time, and whenever demanded by the other High Contracting Party, the fullest Information as to the State and Condition of such Negroes, with a view of insuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations annexed to this Treaty, *sub literâ* (C.), as to the Treatment of Negroes liberated by Sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral Part of this Treaty. The Two High Contracting Parties reserve to themselves the Right to alter or suspend, by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

ARTICLE XIII.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows:

(A.) Instructions for the Ships of the Navies of both Nations destined to prevent the Traffic in Slaves.

(B.) Regulations for the Mixed Courts of Justice, which are to hold their Sittings on the Coast of *Africa*, and in one of the Possessions of the Republic of *Chile*.

(C.) Regulations as to the Treatment of liberated Negroes.

ARTICLE XIV.—The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications thereof exchanged at *Santiago*, as soon as possible within the Space of Twelve Months from this Date.

In witness whereof the respective Plenipotentiaries have signed, in Triplicate Originals, *English* and *Spanish*, the present Treaty, and have hereunto affixed the Seal of their Arms.

Done at *Santiago de Chile*, this Nineteenth Day of *January* in the Year of our Lord One thousand eight hundred and thirty-nine.

(L. S.) *John Walpole.*
(L. S.) *Joaquin Tocornal.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of CHILE, for the ABOLITION of the TRAFFIC in SLAVES.

Instructions for the Ships of the British and Chilian Navies employed to prevent the Traffic in Slaves.

ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty or of the Republic of *Chile*, which shall be furnished with these Instructions, shall have a Right to visit, search, and detain any *British* or *Chilian* Merchant

Vessel which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she may be met with by such Ship of the *British* or *Chilian* Navy; and such Commander shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment before that one of the Two Mixed Courts of Justice, established in virtue of Article Seven of the said Treaty, which shall be the nearest to the Place of Detention, or which such Commander shall, upon his own Responsibility, think can be soonest reached from such Place.

ARTICLE II.—Whenever a Ship of either of the said Navies, duly authorized as aforesaid, shall meet a Merchantman liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of Lieutenant in the Navy of *Great Britain* or *Chile* respectively (unless the Command shall, by reason of Death or otherwise, be held by an Officer of inferior Rank), or by the Officer who at the Time shall be second in Command of the Ship by which such Search is made.

ARTICLE III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid, who may detain any Merchant Vessel in pursuance of the Tenor of the present Instructions, shall leave on board the Vessel so detained the Master, the Mate or Boatswain, and Two or Three at least of the Crew thereof, the whole of the Slaves (if any), and all the Cargo.

The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Vessel, such Declaration to be signed by himself, and to be given in or sent, together with the captured Vessel, to the Mixed Court of Justice before which such Vessel shall be carried or sent for Adjudication.

He shall deliver to the Master of the detained Vessel a certified List of the Papers seized on board the same, as well as of the Number of Slaves found on board at the Moment of Detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the certified List of the Papers seized, he shall insert his own Name, the Name of the capturing Ship, the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board the Vessel at the Time of the Detention.

The Officer in charge of the Vessel detained shall, at the Time of his bringing the Vessel's Papers into the Mixed Court of Justice, deliver into the Court a Paper, signed by himself and verified on Oath, stating any Changes which may have taken place in respect to the Vessel, her Crew, the Slaves (if any), and her Cargo, between the Period of her Detention and the Time of delivering in such Paper.

ARTICLE IV.—The Slaves shall not be disembarked till after the Vessel which contains them shall have arrived at the Place of Adjudication, in order that in the event of the Vessel not being adjudged legal Prize the Loss of the Proprietors may be more easily repaired; and even after the Slaves have arrived at such Place they are not to be landed without the Permission of the Mixed Court of Justice.

But if the urgent Reasons deduced from the Length of the Voyage, from the State of Health of the Slaves, or from other Causes, should require that either the Whole or a Portion of the Negroes should be disembarked before the Vessel can arrive at the Place at which one of the said Courts is established, the Commander of the capturing Ship may take upon himself the Responsibility of so disembarking the Negroes; provided that such Necessity and the Causes thereof be stated in a Certificate in proper Form, and that this Certificate be entered at the Time on the Log Book of the detained Vessel.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this Day, the Nineteenth of *January* One thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of Four Articles, shall be annexed to the said Treaty, and be considered as an integral Part thereof.

The Nineteenth Day of *January* One thousand eight hundred and thirty-nine.

(L.S.) *John Walpole.*
(L.S.) *Joaquin Tocornal.*

ANNEX (B.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of CHILE, for the ABOLITION of the TRAFFIC in SLAVES.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the Possessions of the Republic of Chile.

ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty, of which these Regulations are declared to be an integral Part, shall be composed in the following Manner:—Each of the Two High Contracting Parties shall name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them. The Judges and the Arbitrators shall, before entering upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Places in which such Courts respectively shall reside, that they will judge fairly and faithfully, that they will have no Preference either for the Claimants or the Captors, and that they will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

There

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Government of the Country within the Territories of which such Court shall reside. Such Secretary or Registrar shall register all the Acts of such Court, and shall, before he enters upon his Office, make Oath before the Court to which he is appointed, that he will conduct himself with due respect for his Authority, and will act with Fidelity and Impartiality in all Matters relating to his said Office.

The Salary of the Secretary or Registrar of the Court to be established on the Coast of *Africa* shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Possessions of the Republic of *Chile* shall be paid by the Government of that Republic.

Each of the Governments shall defray Half of the aggregate Amount of the incidental Expences of such Courts.

Article II.—The Expences incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessels, Slaves, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall, in case of Condemnation, be defrayed from the Funds arising from the Sale of the Materials of the broken-up Vessel, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize; and in case the Proceeds arising from this Sale should not prove sufficient to defray such Expences, the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expences occasioned by bringing her to Adjudication shall be defrayed by the Captor, excepting in the Cases specified and otherwise provided for under Article X. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

Article III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain.

The Courts shall judge definitively, and without Appeal, all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of these Courts shall take place with as little Delay as possible, and for this Purpose the Courts are required to decide each Case, so far as may be practicable, within the Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either on account of the Absence of Witnesses or for any other Cause, except upon the Application of any of the Parties interested, in which Case, upon such Party or Parties giving satisfactory Security that they will take upon themselves the Expence and Risks of the Delay, the Courts may,

at their Discretion, grant an additional Delay, not exceeding Four Months. Either Party shall be allowed to employ such Counsel as he may think fit to assist him in the Conduct of his Cause.

All the essential Parts of the Proceedings of the said Courts shall be written down in the Language of the Country in which the Courts shall respectively reside.

ARTICLE IV.—The Form of the Process shall be as follows:—The Judges appointed by the Two Nations respectively shall, in the first place, proceed to examine the Papers of the detained Vessel, and to take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board such Vessel, as well as the Declaration on Oath of the Captor, should such Declaration appear necessary to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, so that according to the Judgment pronounced the Vessel may be condemned or released.

In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce in any Case brought before them, either with respect to the Legality of the Detention, the Liability of the Vessel to Condemnation, or the Compensation to be allowed, or as to any other Question which may arise out of the said Capture, or if any Difference of Opinion should arise between them as to the Mode of Proceeding in the said Court, they shall draw by Lot the Name of One of the Two Arbitrators appointed as aforesaid, which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two above-mentioned Judges, and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master, or to the Person who represents him; and such Master or other Person may, before the same Court, claim to have a Valuation made, in order to ascertain the Amount of the Damages to which he shall be entitled. The Captor himself, and in his Default his Government, shall remain responsible for the Damages which may definitively be pronounced to be due to the Master of such Vessel, or to the Owners of the Vessel or of her Cargo.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the above-named Court; it being mutually understood and agreed that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject or Citizen.

ARTICLE VI.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Slaves

who shall have been brought on board for the Purposes of Commerce; and the said Vessel, in conformity with the Regulations in Article IX. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale for the Profit of the Two Governments, subject to the Payment of the Expences herein-before mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom belongs the Cruiser which made the Capture, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty, *sub literâ* (C.)

The Charges incurred for the Support and for the Return Voyage of the Commanders and Crews of condemned Vessels shall be defrayed by the Government of which such Commanders and Crews are the Subjects or Citizens.

Article VII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein Restitution of such Vessels and Cargoes shall be decreed (save as mentioned in Article X. of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations,) the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; (that is to say,)

First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For the Ship, her Tackle, Equipment, and Stores.

(b) For all Freights due and payable.

(c) For the Value of the Cargo of Merchandize, if any, deducting all Charges and Expences payable upon the Sale of such Cargo, including Commission of Sale.

(d) For all other regular Charges in such Case of total Loss.

Secondly,—In all other Cases, not of total Loss, save as herein-after mentioned, the Claimant or Claimants shall be indemnified,—

(a) For all special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight when due or payable.

(b) For Demurrage, according to the Schedule annexed to the present Article.

(c) For any Deterioration of the Cargo.

(d) For all Premium of Insurance on additional Risks.

Further,—The Claimant or Claimants shall be entitled to Interest, at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnification

cation shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be paid at the Rate of Exchange current at the Time of the Award.

The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without Recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expences consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

100	Tons to	120	inclusive	-	-	£ 5	*per Diem.*
121	„	150	„	-	-	6	„
151	„	170	„	-	-	8	„
171	„	200	„	-	-	10	„
201	„	220	„	-	-	11	„
221	„	250	„	-	-	12	„
251	„	270	„	-	-	14	„
271	„	300	„	-	-	15	„

And so in proportion.

ARTICLE VIII.—Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

ARTICLE IX.—The Two High Contracting Parties have agreed, that in the event of the Death, Sickness, Absence on Leave, or other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Post of such Judge or of such Arbitrator shall be supplied *ad interim* in the following Manner:—

First,—On the Part of Her *Britannic* Majesty, and in that Court which shall sit within the Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Secondly,—On the Part of *Great Britain*, and in that Court which shall sit within the Possessions of the Republic of *Chile*, if the Vacancy be that of the *British* Judge, his Place shall be filled

filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of *British* Arbitrator shall be filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul or *British* Vice Consul appointed to and resident in such Possession; and if the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and a *British* Vice Consul appointed to and resident in such Possession; and if there shall be no *British* Consul or *British* Vice Consul to fill the Place of *British* Arbitrator, then the *Chilian* Arbitrator shall be called in in those Cases in which a *British* Arbitrator (if there were any) would be called in; and in case the Vacancy be both of the *British* Judge and *British* Arbitrator, and there be neither *British* Consul nor *British* Vice Consul to fill *ad interim* the Vacancies, then the *Chilian* Judge and the *Chilian* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Thirdly,—On the Part of the Republic of *Chile*, and in that Court which shall sit within the Territories of the said Republic, if the Vacancy be that of the *Chilian* Judge, his Place shall be filled by the *Chilian* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *Chilian* Arbitrator, the Place of such *Chilian* Arbitrator shall be filled by the Intendant Governor of the Province in which the said Tribunal may reside, or by the Military Governor of *Valparaiso* if the Tribunal should reside in *Valparaiso;* and the said Court, so constituted as above, shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Fourthly,—On the Part of *Chile*, and in that Court which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Chilian* Judge, his Place shall be filled by the *Chilian* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *Chilian* Arbitrator, the Place of *Chilian* Arbitrator shall be filled successively by the *Chilian* Consul and *Chilian* Vice Consul, if there be a *Chilian* Consul or Vice Consul appointed to and resident in such Possession; and if the Vacancy be both of the *Chilian* Judge and of the *Chilian* Arbitrator, then the Vacancy of the *Chilian* Judge shall be filled by the *Chilian* Consul, and that of the *Chilian* Arbitrator by the *Chilian* Vice Consul, if there be a *Chilian* Consul and a *Chilian* Vice Consul appointed to and resident in such Possession; and in the Case in which there be no *Chilian* Consul or Vice Consul to fill the Place of *Chilian* Arbitrator, then the *British* Arbitrator shall be called in those Cases in which a *Chilian* Arbitrator would be called in; and in case the Vacancy be both of the *Chilian* Judge and *Chilian* Arbitrator, and there be neither *Chilian* Consul nor *Chilian* Vice Consul to fill *ad interim* the Vacancies, then the *British* Judge and *British* Arbitrator shall sit, and in all Cases brought

before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

The highest Civil Authority of the Settlement wherein either of the Mixed Courts of Justice shall sit shall, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, forthwith give Notice of the same to the highest Civil Authority of the nearest Settlement of such other High Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Courts from Death, or from any other Cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this Day, the Nineteenth of *January* One thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of Nine Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

The Nineteenth Day of *January* One thousand eight hundred and thirty-nine.

(L. S.) *John Walpole.*
(L. S.) *Joaquin Tocornal.*

ANNEX (C.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of CHILE for the ABOLITION of the TRAFFIC in SLAVES.

Regulations for the good Treatment of liberated Negroes.

ARTICLE I.—The Object and Spirit of these Regulations is, to secure to Negroes liberated by virtue of the Stipulations of the Treaty to which these Regulations form an Annex, marked (C.), permanent good Treatment, and full and complete Freedom, in conformity with the humane Intentions of the High Contracting Parties.

ARTICLE II.—Immediately after Sentence of Condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a Vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such Vessel, and who were brought on board for the Purpose of Traffic, shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

ARTICLE III.—If the Cruiser which made the Capture is *British*, the *British* Government engages that the Negroes shall be treated in exact Conformity with the Laws in force in the *British* Colonies for the Regulation of free or of emancipated Negroes.

ARTICLE IV.—If the Cruiser which made the Capture is *Chilian*, then the Negroes shall be delivered over to the *Chilian* Authorities of that Place in the Dominions of *Chile* in which the Mixed Court of Justice is established; and the *Chilian* Government solemnly engages that such Negroes shall there be treated strictly according to the Regulations actually in force in *Chile* with respect to free Negroes, or according to such Regulations as may in future be established in *Chile* in this respect, and which Regulations shall always have in view the humane Object of securing honestly and faithfully to emancipated Negroes the unmolested Enjoyment of their Liberty, good Treatment, a Knowledge of the Tenets of the Christian Religion, Advancement in Morality and Civilization, and sufficient Instruction in the mechanical Arts in order that the said emancipated Negroes may be enabled to earn their own Subsistence, whether as Artizans, Mechanics, or Servants.

ARTICLE V.—For the Purpose which is explained in Article VI. there shall be kept in the Office of the Governor of the Part of the Possessions of the Republic of *Chile* where the Mixed Court of Justice resides, a Register of all emancipated Negroes, in which shall be entered with scrupulous Exactness the Names given to the Negroes, the Names of the Vessels in which they were captured, the Names of the Persons to whose Care they have been committed, and any other Circumstances likely to contribute to the End in view.

ARTICLE VI.—The Register to which the preceding Article refers will serve to form a general Return, which the Governor of that Part of the Possessions of the Republic of *Chile* where the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid Mixed Commission, in order to show the Existence of the Negroes emancipated under this Treaty, the Improvement made in their Condition, and the Progress made in their religious and moral Instruction, and in the Arts of Life. The aforesaid Return shall also specify the Names and Descriptions of such of the emancipated Negroes as shall have died during the Period for which the Return is made up.

ARTICLE VII.—The High Contracting Parties agree, that if in future it should appear necessary to adopt new Measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other Means better adapted for the complete Attainment of the Objects proposed.

ARTICLE VIII.—The undersigned Plenipotentiaries have agreed, in conformity with Article XIV. of the Treaty signed by them on this Day, the Nineteenth of *January* One thousand eight hundred and thirty-nine, that this Annex, consisting of Eight Articles, shall be united to the said Treaty, and be considered

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an integral Part thereof. The Nineteenth Day of *January* One thousand eight hundred and thirty-nine.

(L. S.) *John Walpole.*
(L. S.) *Joaquin Tocornal.*

ARTICLES additional to the Treaty concluded this Nineteenth Day of *January* One thousand eight hundred and thirty-nine, between Her *Britannic* Majesty and the Republic of *Chile*, for the Suppression of the Slave Trade.

ARTICLE I.—It is agreed and understood, that if there should be any Delay in appointing the Judge and the Arbitrator to be nominated on the Part of the Republic of *Chile* to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those Officers, after being appointed, should at any Time be absent, then and in either of such Cases the Judge and Arbitrator appointed on the Part of Her *Britannic* Majesty, and present in the said Courts, shall, in the Absence of the *Chilian* Judge and Arbitrator, proceed to open the said Courts, and to adjudge such Cases as may be brought before them under the Treaty; and the Sentence pronounced upon such Cases by the said *British* Judge and Arbitrator shall have the same Force and Validity as if the Judge and the Arbitrator on the Part of *Chile* had been appointed and had been present and acting in the Mixed Courts in the Cases in question.

ARTICLE II.—It is also agreed, notwithstanding the Provisions of the First Article of the Annex (B.), that so long as no *Chilian* Judge and Arbitrator are nominated it will be unnecessary for the Republic of *Chile* to nominate the Secretary or Actuary mentioned in the said Article; that in the meanwhile the Secretary or Actuary of the Court which may exist within the Territory of the Republic of *Chile* shall be named and paid by the Government of Her *Britannic* Majesty, and that the entire Expence of both the Courts to be established under this Treaty shall be borne by the Government of Her *Britannic* Majesty.

The present additional Articles shall form an integral Part of the Treaty for the Suppression of Slave Trade signed this Day, and shall have the same Force and Validity as if they were inserted Word for Word in that Treaty, and shall be ratified within Twelve Months, or sooner if possible.

Done at *Santiago de Chile*, this Nineteenth Day of *January* in the Year of our Lord One thousand eight hundred and thirty-nine.

(L. S.) *John Walpole.*
(L. S.) *Joaquin Tocornal.*

And

And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Chile*, and such Ratification was exchanged on the Sixth Day of *August* One thousand eight hundred and forty-two: And whereas an additional and explanatory Convention was concluded at *Santiago* on the Seventh Day of *August* One thousand eight hundred and forty-one, as follows:

ARTICLE I.—The Two High Contracting Parties recognize as valid and existing all the Obligations which it was their Intention respectively to contract by all and each of the Articles of the Treaty of the Nineteenth of *January* One thousand eight hundred and thirty-nine, to co-operate for the effectual and complete Abolition of the Slave Trade, and by all and each of the Articles of the Annexes marked (A.), (B.), and (C.), and by the Two separate additional Articles, which, as therein stipulated, ought and are to be considered as integral Parts of the above-mentioned Treaty, all in the same Manner as if the above-mentioned Treaty formed an integral Part of the present Convention, and was inserted Word for Word in it; saving, however, the Exceptions and Modifications which are hereafter expressed.

ARTICLE II.—The Power which, by the Articles IV. and V. of the above-mentioned Treaty of the Nineteenth of *January* One thousand eight hundred and thirty-nine, is conceded to the Vessels of the Navies of the Two Nations which shall be employed in impeding the Traffic in Slaves, to visit the Merchant Vessels of both which may be found in the Case indicated in Article IV. already referred to, and in order that in consequence of the Visit they may proceed with respect to the Vessels and their Cargo in accordance with the Instructions in Annex (A.), shall not be understood as yielded unless to be exercised solely and exclusively in the Places which are hereafter expressed; (that is to say,)

First,—Along the Western Coast of *Africa* from the Fortieth Degree of South Latitude to the Twenty-fifth Degree of North Latitude, and to the Twenty-seventh Degree of West Longitude calculated from the Meridian of *Greenwich*.

Second,—All round the Island of *Madagascar*, to the Extent of Twenty Leagues from that Island.

Third,—The same Distance from the Coasts of the Island of *Cuba*.

Fourth,—The same Distance from the Coasts of the Island of *Puerto Rico*; and,

Fifth,—The same Distance from the Coasts of *Brazil*.

Nevertheless, if a Vessel of which Suspicion should be entertained, and which should have been chased whilst within the assigned Limits, should succeed in passing them, it may be searched, provided that it has not been lost Sight of during the Chase.

ARTICLE III.—The before-mentioned Treaty and the present Convention shall be respectively ratified by Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and by the President of the Republic of *Chile*; and the Ratifications

of both shall be exchanged within One Year, reckoned from the Date of the present Convention, or sooner, if possible.

In faith of which the respective Plenipotentiaries have signed Three Copies of the present Convention in the *English* Language, and have sealed them with their Arms.

Done in the City of *Santiago*, the Seventh Day of *August* in the Year of our Lord One thousand eight hundred and forty-one.

(L.S.) *John Walpole.*
(L.S.) *Ramon Luis Yrarrazaval.*

And whereas the said additional and explanatory Convention was also ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Chile*, and such Ratification was exchanged at *Santiago* on the Sixth Day of *August* in the Year One thousand eight hundred and forty-two: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty, and the Annexes thereto, and also the said additional and explanatory Convention: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Republic of *Chile*, not below the Rank of Lieutenant of the Royal Navy, (unless the Command shall, by reason of Death or otherwise, be held by an Officer of inferior Rank,) or by the Officer who at the Time shall be Second in Command of the Ship, and who shall be duly instructed and authorized, according to the Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Officers commanding Ships of Her Majesty or of the Republic of Chile, being duly authorized and empowered, may visit and search Merchant Ships of either of the Two Nations within certain Limits.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects, which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Chilian* Vessels of War, duly authorized for that Purpose, according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

Ships suspected of having been fitted out for the Purpose of Traffic in Slaves liable to Search and Detention.

III. And

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts which shall be established in Her Majesty's Dominions, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

In case of the Death or Incapacity from Illness of any British Judge of such Courts, or of the British Arbitrator.

V. And be it enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty's Government, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the Republic of *Chile*, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul

Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Chilian* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Chilian* Judge and *Chilian* Arbitrator of such Court to sit alone in such Court; and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Court shall be established, whether belonging to Her *Britannic* Majesty or to the Republic of *Chile;* which Oath any such Magistrate shall be authorized to administer in the Form following; (that is to say,)

Form of Oath.

'I *A. B.* do solemnly swear, That I will, according to the best of my 'Skill and Knowledge, act in the Execution of my Office as 'faithfully, impartially, fairly, and without Preference 'or Favour either for Claimants or Captors or any other Persons; 'and that I will, to the best of my Judgment and Power, act in pur- 'suance of and according to the Stipulations, Regulations, and 'Instructions contained in the Treaty between Her Majesty and the 'Republic of *Chile*, signed at on the 'in the Year One thousand eight hundred and .'

Secretary or Registrar to take Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Court, who shall be empowered to administer the same in the Form following; (that is to say,)

'I *A. B.* do solemnly swear, That I will, according to the best of my 'Skill and Knowledge, act in the Execution of my Office; and that 'I will conduct myself with Respect to the Authority of the Judges 'and Arbitrators of the Court to which I am attached, and will act 'with Fidelity in all the Affairs which may belong to my Charge, and 'without Preference or Favour either for Claimants or Captors or any 'other Persons.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of

any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding before the Judges or Arbitrators aforesaid under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England;* and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex.*

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceedings instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or any thing done in pursuance of the Provisions of the said Treaty.

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

X. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board any such Merchant Vessel wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.* 5 G. 4. c. 113.

Vessels condemned to be sold for Her Majesty's Ser-

XI. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem

vice, or broken up.

deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, together with the Goods, Wares, and Merchandize laden therein, for the Profit of the Two Governments of *Great Britain* and *Chile*, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

XII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for Slaves captured.

XIII. And be it enacted, That there shall be paid to the Commanders, Officers, and Crew of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Chilian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council, or by any Proclamation to be made for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

XIV. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, and in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel, at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized, an additional Bounty to be paid.

XV. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon

the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of Consolidated Fund.

XVI. And be it enacted, That all Bounties payable under this Act shall be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

XVII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Proof of Tonnage.

XVIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XIX. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

One Moiety of the Bounty only to be paid in certain Cases.

XX. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any *British* or *Chilian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over, in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XXI. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Chilian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act.

XXII. And

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

XXII. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon, to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed, under the Provisions of this Act, to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained but not condemned.

XXIII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Republic of *Chile* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

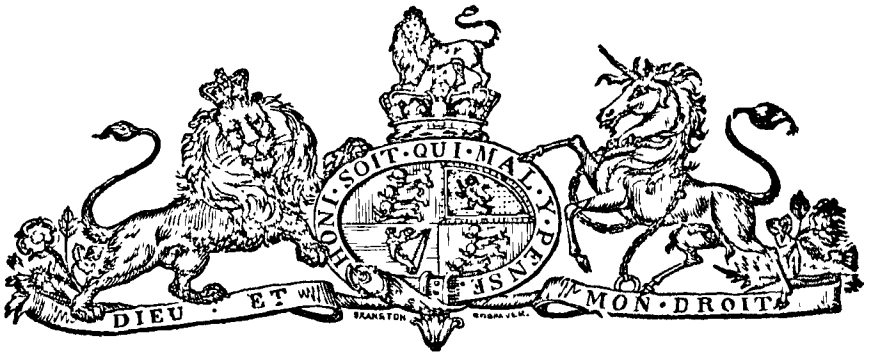
The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expences incurred by him.

XXIV. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

No Compensation to be made when any Articles specified in the 9th Article of the Treaty are found on board.

XXV. Provided always, and be it enacted, That if any of the Things specified in the Ninth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Mixed Courts, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Mixed Courts should not pronounce any Sentence of Condemnation; but that in such Case it shall and may be lawful for the said Mixed Court, if they shall think fit, to pay out of the Prize Fund under the Control of the said Court such Sum of Money as, according to the Circumstances of the Case, they may judge reasonable, in proportion to the Demurrage suffered.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



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which shall be provided with special Instructions, as hereinafter mentioned, may visit and search such Vessels of the Two Nations as may upon reasonable Grounds be suspected of being engaged in transporting Negroes for the Purpose of consigning them to Slavery, or of having been fitted out for that Purpose, or of having been so employed during the Voyage in which they are met by the said Cruisers; and the said High Contracting Parties also consent that such Cruisers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner herein-after agreed upon; and in order to fix the reciprocal Right of Search in such a Manner as shall be adapted to the Attainment of the Objects of this Treaty, and shall at the same Time prevent Doubts, Disputes, and Complaints, it is agreed that the said Right of Search shall be exercised in the Manner and according to the Rules following:—

First,—It shall never be exercised except by Vessels of War authorized expressly for that Purpose, according to the Stipulations of this Treaty.

Second,—In no Case shall the Right of Search be exercised with respect to a Vessel of the Royal Navy of either of the Two Powers.

Third,—Whenever a Vessel is searched by a Ship of War the Commander of such Ship of War shall, immediately upon coming on board the Vessel which is to be so searched, and before he begins the Search, exhibit to the Commander of the Vessel which is to be searched the Document by which he is duly authorized to make the Search, and he shall deliver to the said Commander of the Vessel which is to be searched a Certificate, signed by himself, stating his Rank in the Naval Service of his Country, and the Name of the Ship of War which he commands, and this Certificate shall also declare that the only Object of the Search is to ascertain whether the Vessel to be searched is employed in transporting Negroes or others in order to consign them to Slavery, or is fitted up for such Purpose; when the Search is made by an Officer of the Cruiser who is not the Commander thereof, such Officer shall proceed strictly in the same Manner as if he were the Commander, after having exhibited to the Captain of the Vessel to be searched a Copy of the above-mentioned Document, signed by the Commander of the Cruiser; and he shall in like Manner deliver a Certificate, signed by himself, stating his Rank in the Royal Navy, the Name of the Commander by whose Orders he proceeds to make the Search, that of the Cruiser in which he sails, and the Object of the Search, as has been already laid down; if it appear from the Search that the Papers of the Vessel are in regular Order, and that the Vessel is employed for lawful Purposes, the Officer shall enter in the Log Book of the Vessel that the Search has been made in pursuance of the aforesaid special Orders, and the Vessel shall be left at liberty to pursue her Voyage.

Fourth,—The Rank of the Officer who makes the Search must not be lower than that of Lieutenant of the Royal Navy, unless he be the Officer who shall at the Time be

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Second in Command of the searching Vessel, or unless the Command shall, by reason of Death or otherwise, be held by an Officer of inferior Rank.

Fifth,—The reciprocal Right of Search and Detention shall not be exercised within the *Mediterranean Sea*, nor within the Seas in *Europe* which lie without the Straits of *Gibraltar* and to the Northward of the Thirty-seventh Parallel of North Latitude, and within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*.

ARTICLE III.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution it is agreed,—

First,—That all Ships of the Royal Navies of the Two Nations which shall be hereafter employed to prevent the Transport of Negroes or others for the Purpose of consigning them to Slavery shall be furnished by their respective Governments with a Copy, in the *English* and *Portuguese* Languages, of the present Treaty, of the Instructions (A.) for Cruisers annexed thereto, and of the Regulations (B.) for the Mixed Commissions annexed thereto, which Annexes respectively shall be considered as an integral Part of the Treaty.

Second,—That each of the High Contracting Parties shall from Time to Time and as often as any Changes are made in the Ships of War employed in this Service communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders, and of the Officers Second in Command.

Third,—That if at any Time there shall be just Cause to suspect that any Vessel, sailing under the Flag of either Nation and proceeding under the Convoy of any Ship or Ships of War of either of the Contracting Parties, is engaged or is intended to be engaged in the Transport of Negroes or others for the Purpose of consigning them to Slavery, or is fitted out for that Purpose, or has during the Voyage in which she has been met with been so employed, it shall be the Duty of any Commander of any Ship of the Royal Navy of either of the Two Contracting Parties, furnished with such Instructions as aforesaid, to communicate in Writing his Suspicions to the Commander of the Convoy, and the said Commander of the Convoy shall give an Acknowledgment in Writing of the said Communication; and the said Commander of the Convoy, accompanied by the Commander of the Cruiser, shall proceed to search the suspected Vessel; if the Suspicions shall prove to be well founded, according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent by the Commander of the Convoy to One of the Ports where the Mixed Commissioners are stationed, in order that the Vessel may undergo the Sentence applicable to her Case.

Fourth,—It shall not be lawful to visit or detain, under any Pretext or Motive whatever, any Merchant Vessel when

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at anchor in any Port or Roadstead belonging to either of the Two High Contracting Parties, or within Cannon-shot of the Batteries on Shore, unless on a written Demand for Co-operation on the Part of the Authorities of such Country; but should any suspected Vessel be met with in such Port or Roadstead, due Representation of the same is to be made to the Authorities of the Country, requesting them to take the necessary Measures to prevent the Violation of the Stipulations of this Treaty, and the said Authorities shall proceed to take effectual Measures accordingly.

ARTICLE IV.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects may incur by any arbitrary and illegal Detention of their Vessels, it being understood that this Compensation shall be made by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention; the Compensation for Damages, of which this Article treats, shall be made within the Term of One Year, reckoned from the Day on which the Mixed Commission pronounces Sentence on the Vessel for the Detention of which such Compensation is claimed.

ARTICLE V.—It is however distinctly understood between the Two High Contracting Parties that no Stipulation of the present Treaty shall be interpreted as interfering with the Right of *Portuguese* Subjects to be accompanied in Voyages to and from the *Portuguese* Possessions off the Coast of *Africa* by Slaves who are *bonâ fide* Household Servants, and who may be duly named and described as such in Passports, wherewith the Vessel must be furnished, from the highest Civil Authority at the Place where such Slaves shall have embarked: Provided,

First,—That in such Voyages no *Portuguese* Subject, except he be a *Portuguese* Settler removing definitively from his Residence in a *Portuguese* Possession on the Coast of *Africa*, shall be accompanied by more than Two Slaves, being *bonâ fide* Household Servants.

Secondly,—That such a Settler removing definitively with his Family from his Residence in a *Portuguese* Possession on the Coast of *Africa* shall not be accompanied by more than Ten Slaves, and that all these Slaves shall be *bonâ fide* his Household Servants.

Thirdly,—That such Household Slaves shall be found at large and unconfined in the Vessel, and clothed like *Europeans* in similar Circumstances.

Fourthly,—That no other Slaves shall be embarked on board of the Vessel in which the said Household Servants shall be found; and that the Voyage on which such Settler and his Family shall be so accompanied by such Household Slaves shall be a direct Voyage to the *Portuguese* Islands of *Cape Verd*, *Princes*, or *Saint Thomas* from some Place in the *Portuguese* Possessions on the Coast of *Africa* where the said Settler shall have been permanently residing.

Fifthly,

Fifthly,—That the Passports above mentioned shall enumerate each of the Persons on board the Vessel, and shall state their Names, Sex, Ages, and Occupation, their last Place of Residence, and the Place to which they are going.

Sixthly,—That there be nothing in the Equipment or Character of the Vessel in which such Household Slaves may be found which shall justify its Detention under the Provisions of this Treaty.

But if the Equipment or Character of the Vessel shall justify the Detention of the Vessel under the Stipulations of the present Treaty, or if any of the Regulations specified in this Article shall be unobserved or violated in respect to such Vessel, then her Master and her Crew, and the Owner or Owners of the Vessel, of the Cargo, or of the Slaves, shall be liable to be proceeded against as Accomplices in an Infraction of the present Treaty, and to be punished accordingly; and the Vessel and Cargo shall be adjudged and condemned, and the Slaves shall be liberated.

Article VI.—In order to bring to Adjudication, with as little Delay and Inconvenience as possible, the Vessels which may be detained according to the Tenor of Article II. of this Treaty, there shall be established, as soon as may be practicable, Two or more Mixed Commissions, formed of an equal Number of Individuals of the Two Nations, and named for this Purpose by their respective Sovereigns.

Of these Commissions, one Half shall reside in Possessions belonging to Her *Britannic* Majesty, the other Half within the Territories of Her most Faithful Majesty; and the Two Governments, at the Period of exchanging the Ratifications of the present Treaty, shall declare, each for its own Dominions, in what Places the Commissions shall respectively reside, each of the Two High Contracting Parties reserves to itself the Right of changing at its Pleasure the Place of Residence of the Commissions held within its own Dominions: Provided always, that Two at least of the said Commissions shall always be held either on the Coast of *Africa* or in one of the Islands off that Coast.

These Commissions shall judge the Causes submitted to them according to the Provisions of the present Treaty, without Appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral Part thereof.

Article VII.—The Mixed Commission, at present established and sitting under the Convention between *Great Britain* and *Portugal* of the Twenty-eighth of *July* One thousand eight hundred and seventeen, shall continue to exercise its Functions, and shall, from and after the End of Six Months after the Exchange of the Ratifications of this Treaty, and until the Appointment and definitive Establishment of the Mixed Commissions under the present Treaty, adjudge without Appeal, according to the Principles and Stipulations of the present Treaty, and of the

Annexes thereof, the Cases of such Vessels as may be sent or brought before it; and any Vacancies which may occur in such Mixed Commission shall be filled up in the same Manner in which Vacancies in the Mixed Commissions to be established under the Provisions of this Treaty are to be supplied.

ARTICLE VIII.—If the Commanding Officer of any of the Ships of the Royal Navies of *Great Britain* and *Portugal* respectively, duly commissioned according to the Provisions of Article II. of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation, and in such Case the Government to which such Commanding Officer may belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may have committed.

ARTICLE IX.—Any Vessel, *British* or *Portuguese*, which shall be visited by virtue of the present Treaty, may lawfully be detained, and may be sent or brought before One of the Mixed Commissions established in pursuance of the Provisions thereof, if any of the Things herein-after mentioned shall be found in her Outfit or Equipment, or shall be proved to have been on board during the Voyage in which the Vessel was proceeding when captured; namely,

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Secondly,—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary for Vessels engaged in lawful Trade.

Thirdly,—Spare Planks fitted for being laid down as a Second or Slave Deck.

Fourthly,—Shackles, Bolts, or Handcuffs.

Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixthly,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared Outwards, stating that sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or of other Vessels should only be used for the Reception of Palm Oil, or for other Purposes of lawful Commerce.

Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighthly,—A Boiler or other Cooking Apparatus of an unusual Size, and larger, or fitted for being made larger, than requisite for the Use of the Crew of the Vessel as a Merchant Vessel,

Vessel, or more than One Boiler or other Cooking Apparatus of the ordinary Size.

Ninthly,—An extraordinary Quantity of Rice, of the Flour of *Brazil*, Manioc or Cassada commonly called Farinha, of Maize, or of *Indian* Corn, or of any other Article of Food whatever, beyond what might probably be requisite for the Use of the Crew, such Rice, Flour, Maize, *Indian* Corn, or other Article of Food not being entered on the Manifest as Part of the Cargo for Trade.

Tenthly,—A Quantity of Mats or Matting larger than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel.

Any One or more of these several Things, if proved to have been found on board, or to have been on board during the Voyage on which the Vessel was proceeding when captured, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the Transport of Negroes or others for the Purpose of consigning them to Slavery, and the Vessel shall thereupon be condemned and shall be declared lawful Prize, unless clear and incontestably satisfactory Evidence on the Part of the Master or Owners shall establish, to the Satisfaction of the Court, that such Vessel was at the Time of her Detention or Capture employed on some legal Pursuit, and that such of the several Things above enumerated as were found on board of her at the Time of her Detention, or had been on board of her on the Voyage on which she was proceeding when captured, were needed for legal Purposes on that particular Voyage.

Article X.—If any of the Things specified in the preceding Article shall be found in any Vessel which is detained under the Stipulations of this Treaty, or shall be proved to have been on board the Vessel during the Voyage on which the Vessel was proceeding when captured, no Compensation for Losses, Damages, or Expences consequent upon the Detention of such Vessel shall in any Case be granted either to her Master or to her Owner, or to any other Person interested in her Equipment or Lading, even though the Mixed Commission should not pronounce any Sentence of Condemnation in consequence of her Detention.

Article XI.—In all Cases in which a Vessel shall be detained under this Treaty by the respective Cruisers of the Contracting Parties as having been engaged in transporting Negroes or others for the Purpose of consigning them to Slavery, or as having been fitted out for that Purpose, and shall consequently be adjudged and condemned by the Mixed Commissions to be established as aforesaid, either of the Two Governments may purchase the condemned Vessel, for the Use of its Royal Navy, at a Price to be fixed upon by a competent Person to be chosen by the Court of Mixed Commission for that Purpose; but the Government whose Cruiser shall have detained the condemned

Vessel

Vessel shall have the first Choice of purchasing her; but if the condemned Vessel shall not be so purchased, the said Vessel shall, immediately after Condemnation, be broken up entirely, and shall be sold in separate Parts after having been so broken up.

ARTICLE XII.—When any Vessel shall have been declared good Prize by One of the Mixed Commissions the Captain, Pilot, Crew, and Passengers found on board the said Vessel shall be immediately placed at the Disposal of the Government of the Country under whose Flag the said Vessel was navigating at the Time of her Capture, to be tried and punished according to the Laws of that Country.

In the like Manner the Owner of the Vessel, the Persons interested in the Equipment and Cargo, and their several Agents, shall be tried and punished, unless they can prove that they took no Part in that Infraction of the present Treaty on account of which the Vessel was condemned.

ARTICLE XIII.—Each of the Two High Contracting Parties most solemnly binds itself to guarantee the Liberty of the Negroes who may be emancipated under the present Treaty by the Mixed Commissioners sitting within the Colonies or Possessions of such Government, and to afford, from Time to Time and whenever demanded by the other Party, or by the Members of the Mixed Commissions by whose Sentence the Slaves shall have been liberated, the fullest Information as to the State and Condition of such Negroes, with a view of ensuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations (C.) annexed to this Treaty, as to the Treatment of Negroes liberated by Sentence of the Mixed Commissions, have been drawn up, and are declared to form an integral Part of this Treaty, the Two High Contracting Parties reserving to themselves the Right to alter, by common Consent and by mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

ARTICLE XIV.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows:

(a) Instructions for the Ships of the Royal Navies of both Nations employed to prevent the Transport of Negroes or others for the Purpose of consigning them to Slavery.

(b) Regulations for the Mixed Commissions.

(c) Regulations as to the Treatment of liberated Negroes.

ARTICLE XV.—Her Majesty the Queen of *Portugal* and *Algarves* hereby declares the Slave Trade to be Piracy, and that those of Her Subjects who shall, under any Pretext whatever,

ever, take any Part in the Traffic of Slaves shall be subjected to the most severe Secondary Punishment.

ARTICLE XVI. — The present Treaty shall be ratified, and the Ratifications shall be exchanged at *Lisbon*, at the Expiration of Two Months from the Date of its Signature, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate Originals, *English* and *Portuguese*, the present Treaty, and have thereunto affixed the Seal of their Arms.

Done at *Lisbon* the Third Day of *July* in the Year of our Lord One thousand eight hundred and forty-two.

(L. S.) *Howard de Walden.*

ADDITIONAL ARTICLE to the Treaty concluded between *Great Britain* and *Portugal* for the Abolition of Slave Trade on the Third Day of *July* in the Year of our Lord One thousand eight hundred and forty-two.

As the Object of this Treaty, and of the Three Annexes which form Part of it, is no other than that of preventing the Traffic in Slaves, without any Annoyance to the respective Merchant Shipping of the Two Nations, and as this fraudulent Traffic is carried on from the Coast of *Africa*, where the Crown of *Portugal* has also extensive Colonial Possessions, where legitimate Commerce exists, and which it is important, in the Spirit of this Treaty, to promote and protect, the High Contracting Parties, animated by the same Sentiments, agree that if in future it should appear necessary to either of them to adopt new Measures or alter any of the Executive Regulations for attaining the said beneficent Object, or for obviating any unforeseen Inconvenience to the aforesaid Shipping or lawful Commerce which, Experience shall have made known, in consequence of those established in this Treaty and its Annexes proving inefficacious or injurious, the said High Contracting Parties engage to consult together for the more complete Attainment of the Object proposed.

The present additional Article shall have the same Force and Effect as if it were inserted Word for Word in the Treaty signed on this Day; and it shall be ratified, and the Ratifications shall be exchanged, within the Term of Two Months from the Date of its Signature, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed it, and have affixed thereto the Seal of their Arms.

Done at *Lisbon* the Third Day of *July* One thousand eight hundred and forty-two.

(L. S.) *Howard de Walden.*

ANNEX (A.)

To the TREATY between GREAT BRITAIN and PORTUGAL upon SLAVE TRADE of the Third Day of *July* One thousand eight hundred and forty-two.

Instructions for the Ships of the British and Portuguese Royal Navies employed to prevent the Traffic in Slaves.

ARTICLE I.—The Commander of any Ship belonging to the Royal *British* or *Portuguese* Navy, who shall be furnished with these Instructions, shall have a Right to visit, search, and detain, except within the Limits excepted in Article II. of the Treaty, any *British* or *Portuguese* Vessel which shall be actually engaged or shall be suspected to be engaged in transporting Negroes or others for the Purpose of consigning them to Slavery, or to be fitted out with such view, or to have been so employed during the Voyage on which she may be met with by such Ship of the *British* or *Portuguese* Navy; and such Commander shall thereupon bring or send such Vessel as soon as possible for Judgment before that one of the Mixed Commissions, established in virtue of Article VI. of the said Treaty, which shall be the nearest to the Place of Detention, or which such Commander shall, upon his own Responsibility, judge can be soonest reached from such Place.

ARTICLE II.—Whenever a Ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a Vessel liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of a Lieutenant in the Navies of *Great Britain* and *Portugal* respectively, unless the Command shall, by reason of Death or otherwise, be held by an Officer of inferior Rank, or unless the Officer who makes the Search shall at the Time be Second in Command of the Ship by which such Search is made.

ARTICLE III.—The Commander of any Ship of the Two Royal Navies, duly authorized as aforesaid, who may detain any Vessel in pursuance of the Tenor of the present Instructions, shall at the Time of Detention draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Vessel, which Declaration shall be signed by himself, and shall be given in or sent, together with the captured Vessel, to the Mixed Commission before which such Vessel shall be carried or sent for Adjudication. He shall deliver to the Master of the detained Vessel a signed Certificate of the Papers seized on board the same, as well as of the Number of Slaves found on board at the Moment of Detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the Certificate of the Papers seized, he shall insert his own Name, the Name of the capturing

Ship, the Latitude and Longitude of the Place where the Detention shall have been made, and the Number of Slaves found on board the Vessel at the Time of the Detention.

When the Commander of the Cruiser shall not think proper to take upon himself to carry in and deliver up the detained Vessel, he shall not intrust the Duty to an Officer below the Rank of Lieutenant in the Navy, unless it be to the Officer who at the Time shall not be lower than Third in Command of the detaining Ship.

The Officer in charge of the Vessel detained shall, at the Time of bringing the Vessel's Papers before the Mixed Commission deliver into the Court a Paper, signed by himself, and verified on Oath, stating any Changes which may have taken place in respect to the Vessel, her Crew, the Slaves, if any, and her Cargo, between the Period of her Detention and the Time of delivering in such Papers.

ARTICLE IV.—No Part of the Crew or Passengers, or of the Cargo, or of the Slaves found on board the Vessel seized, shall be withdrawn from it until the said Vessel shall have been delivered over to One of the Mixed Commissions, unless the Transfer of the Whole or Part of the Crew or Passengers, or of the Whole or Part of the Slaves found on board, should be considered necessary, either to preserve their Lives, or for any other humane Consideration, or for the Safety of the Persons charged with the Conduct of the Vessel after its Seizure; in which Case the Commander of the Cruiser, or the Officer charged with the said seized Vessel, shall draw out a Certificate, in which he shall declare the Reasons of the said Transfer; and the Commanders, Sailors, or Passengers thus transferred shall be conducted to the same Port as the Vessel and its Cargo.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIV. of the Treaty signed by them on this Day, the Third of *July* One thousand eight hundred and forty-two, that the preceding Instructions, consisting of Four Articles, shall be annexed to the said Treaty, and shall be considered an integral Part thereof.

The Third Day of *July* One thousand eight hundred and forty-two.

(L. S.) *Howard de Walden.*

ANNEX (B.)

To the TREATY between GREAT BRITAIN and PORTUGAL upon SLAVE TRADE of the Third Day of *July* One thousand eight hundred and forty-two.

Regulations for the Mixed Commissions which are to adjudge the Cases of Vessels under the Treaty between Great Britain and Portugal upon Slave Trade of the Third Day of July One thousand eight hundred and forty-two.

ARTICLE I.—The Mixed Commissions to be established under the Provisions of the Treaty of which these Regulations are declared

declared to be an integral Part shall be composed in the following Manner:

Each of the Two High Contracting Parties shall name a Commissioner and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them. The Commissioners and the Arbitrators shall, before entering upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Places in which such Commissions respectively shall reside, that they will adjudge fairly and faithfully, that they will have no Preference either for the Claimants or the Captors, and that they will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Commissions a Secretary or Registrar, who shall be appointed by the Sovereign in whose Territories such Commission shall reside. Such Secretary or Registrar shall register all the Acts of such Commission, and shall, previously to entering upon his Office, make Oath before the Commission to which he is appointed, that he will conduct himself with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his said Office.

The Salary of the Secretary or Registrar of the Commissions which are to be established in the Dominions of Her *Britannic* Majesty shall be paid by Her said Majesty, and that of the Secretary or Registrar of the Commissions which are to be established in the Colonial Possessions of *Portugal* shall be paid by Her most Faithful Majesty.

Each of the Governments shall defray Half of the aggregate Amount of the incidental Expences of such Commissions.

Article II.—The Expences incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall, in case of Condemnation, be defrayed from the Funds arising from the Sale of the Materials of the Vessel after the same shall have been broken up, of the Vessel's Stores, and of such Part of the Cargo as shall consist of Merchandize; and in case the Proceeds arising from this Sale should not prove sufficient to defray such Expences, the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expences occasioned by bringing her to Adjudication shall be defrayed by the Captor, excepting in the Cases specified and otherwise provided for under Article X. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

Article III.—The Mixed Commissions are to decide upon the Legality of the Detention of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain.

These

These Commissions shall judge definitively, and without Appeal, all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of these Commissions shall take place with as little Delay as possible, and for this Purpose the Commissions are required to decide each Case, as far as may be practicable, within the Space of Twenty Days, to be counted from the Day on which the detained Vessel shall be brought into the Port where the deciding Commission shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either on account of the Absence of Witnesses, or for any other Cause, except upon the Application of any of the Parties interested, in which Case, upon such Party or Parties giving satisfactory Security that they will take upon themselves the Expence and Risk of the Delay, the Commissions may, at their Discretion, grant an additional Delay, not exceeding Four Months.

Either Party shall be allowed to employ such Counsel as he may think fit, to assist him in the Conduct of his Cause.

The Proceedings of the said Mixed Commissions shall be open to the Public; and all the essential Parts of the Proceedings of the said Commissions shall be written down in the Language of the Country in which the Commissions shall respectively reside.

Article IV.—The Form of the Process shall be as follows:—

The Commissioners appointed by the Two Governments respectively shall, in the first place, examine the Papers of the detained Vessel, and take the Depositions of the Commander or Master, and Two or Three at least of the principal Individuals on board of such Vessel, as well as the Declaration on Oath of the Captor, should such Declaration appear necessary, in order to enable them to judge and pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that the Vessel may be condemned or released accordingly.

In the event of the Two Commissioners not agreeing as to the Sentence which they ought to pronounce in any Case brought before them, either with respect to the Legality of the Detention, the Liability of the Vessel to Condemnation, or the Indemnification to be allowed, or as to any other Question which may arise out of the said Capture, or if any Difference of Opinion should arise between them as to the Mode of proceeding in the said Commission, they shall draw by Lot the Name of one of the Two Arbitrators so appointed as aforesaid, which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two above-mentioned Commissioners, and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

Article V.—If the detained Vessel shall be restored by the Sentence of the Commission, the Vessel and her Cargo, in the

State in which they shall then be found, shall forthwith be given up to the Master or to the Person who represents him; and such Master or other Person may before the same Commission claim to have a Valuation made of the Amount of the Damages which he may have a Right to demand. The Captor himself, and in his Default his Government, shall remain responsible for the Damages to which the Master of such Vessel, or the Owners of the Vessel or of her Cargo, may be pronounced to be entitled.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the above-mentioned Commission, it being mutually understood and agreed that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject.

Article VI.—If the detained Vessel shall be condemned she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Negroes or others who shall have been brought on board for the Purpose of being consigned to Slavery; and the said Vessel, in conformity with the Regulations in Article XI. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale for the Profit of the Two Governments, subject to the Payment of the Expences herein-before mentioned.

The Slaves shall receive from the Commission a Certificate of Emancipation, and shall be delivered over to the Government to whom belongs the Cruiser which made the Capture, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty marked (C.)

The Charges incurred for the Support and for the Return Voyage of the Commanders and Crews of condemned Vessels shall be defrayed by the Government of which such Commanders and Crews are the Subjects.

Article VII.—The Mixed Commissions shall also take cognizance of, and shall decide definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Commissions; and in all Cases wherein Restitution of such Vessels and Cargoes shall be decreed, save as mentioned in Article X. of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations, the Commissions shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; (that is to say,)

First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For the Ship, her Tackle, Equipment, and Stores.

(b) For

(b) For all Freights due and payable.

(c) For the Value of the Cargo or Merchandize, if any, deducting all Charges and Expences payable upon the Sale of such Cargo, including Commission of Sale.

(d) For all other regular Charges in such Case of total Loss.

Secondly,—In all other Cases, save as herein-after mentioned, not of total Loss, the Claimant or Claimants shall be indemnified,—

(a) For all special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight when due or payable.

(b) For Demurrage when due, according to the Schedule annexed to the present Article.

(c) For any Deterioration of the Cargo.

(d) For all Premium of Insurance on additional Risks.

The Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnification shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be liquidated at the Exchange current at the Time of the Award.

The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Commissioners of the Two Nations, and without having recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expences consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

100	Tons to	120	inclusive	-	-	£ 5	*per Diem.*
121	„	150	„	-	-	6	„
151	„	170	„	-	-	8	„
171	„	200	„	-	-	10	„
201	„	220	„	-	-	11	„
221	„	250	„	-	-	12	„
251	„	270	„	-	-	14	„
271	„	300	„	-	-	15	„

And so on in proportion.

ARTICLE VIII. — Neither the Commissioners, nor the Arbitrators, nor the Secretaries of the Commissions, shall demand or receive from any of the Parties concerned in the Cases which shall be brought before the Commissions any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Commissioners, Arbitrators, or Secretaries have to perform.

ARTICLE

ARTICLE IX.—When the Parties interested shall imagine they have Cause to complain of any evident Injustice on the Part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the Right of mutual Correspondence for the Prevention of such Injustice for the future.

ARTICLE X.—The Two High Contracting Parties have agreed that in the event of the Death, Sickness, Absence on Leave, or any other legal Impediment of One or more of the Commissioners or Arbitrators composing the above-mentioned Commissions respectively, the Post of such Commissioners or of such Arbitrators shall be supplied *ad interim* in the following Manner:

First,—On the Part of Her *Britannic* Majesty, and in those Commissions which shall sit within the Possessions of Her said Majesty, if the Vacancy be that of the *British* Commissioner, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possessions, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Commissions so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Secondly,—On the Part of *Great Britain*, and in those Commissions which shall sit within the Possessions of Her most Faithful Majesty, if the Vacancy be that of the *British* Commissioner, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, his Place shall be filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul or *British* Vice Consul appointed to and resident in such Possessions; and if the Vacancy be both of the *British* Commissioner and of the *British* Arbitrator, then the Vacancy of the *British* Commissioner shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and *British* Vice Consul appointed to and resident in such Possessions; and if there shall be no *British* Consul or Vice Consul to fill the Place of *British* Arbitrator, then the *Portuguese* Arbitrator shall be called in, in those Cases in which a *British* Arbitrator, if there were any, would be called in; and if the Vacancy be both of the *British* Commissioner and the *British* Arbitrator, and if there be neither *British* Consul nor *British* Vice Consul to fill *ad interim* the Vacancies, then the *Portuguese* Commissioner and *Portuguese* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Thirdly,—On the Part of *Portugal*, and in those Commissions

missions which shall sit within the Possessions of Her most Faithful Majesty, if the Vacancy be that of the Portuguese Commissioner, his Place shall be filled by the Portuguese Arbitrator; and either in that Case, or if the Vacancy be originally that of the Portuguese Arbitrator, the Place of such Arbitrator shall be filled successively by the highest Civil Authority resident in such Possessions, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Commission so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Fourthly,—On the Part of *Portugal*, and in those Commissions which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Portuguese* Commissioner, his Place shall be filled by the *Portuguese* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *Portuguese* Arbitrator, his Place shall be filled successively by the *Portuguese* Consul and *Portuguese* Vice Consul, if there be a *Portuguese* Consul and *Portuguese* Vice Consul appointed to and resident in such Possessions; and if the Vacancy be both of the *Portuguese* Commissioner and of the *Portuguese* Arbitrator, then the Vacancy of the Commissioner shall be filled by the *Portuguese* Consul, and that of the *Portuguese* Arbitrator by the *Portuguese* Vice Consul, if there be a *Portuguese* Consul and a *Portuguese* Vice Consul appointed to and resident in such Possessions; and in the Case in which there be no *Portuguese* Consul or *Portuguese* Vice Consul to fill the Place of *Portuguese* Arbitrator, then the *British* Arbitrator shall be called in, in those Cases in which a *Portuguese* Arbitrator, were there any, would be called in; and in case the Vacancy be both of the *Portuguese* Commissioner and *Portuguese* Arbitrator, and there be neither *Portuguese* Consul nor *Portuguese* Vice Consul to fill *ad interim* the Vacancies, then the *British* Commissioner and Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

The highest Civil Authority of the Settlement wherein either of the Mixed Commissions shall sit, in the event of a Vacancy arising either of the Commissioner or the Arbitrator of the other High Contracting Party, shall forthwith give Notice of the same to the highest Civil Authority of the nearest Settlement of such other High Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Commissions from Death, or from any other Cause whatever.

ARTICLE XI.—The Mixed Commissions shall transmit annually to each Government a Report, relating—

First,—To the Cases which have been brought before them for Adjudication.

Secondly,—To the State of liberated Negroes.

Thirdly,—To every Information which they may be able to obtain respecting the Treatment and Progress made in the religious and mechanical Education of the liberated Negroes; and such Report shall, under the Authority of the Government, be annually published in each Country.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIV. of the Treaty signed by them on this Day, the Third of *July* One thousand eight hundred and forty-two, that the preceding Regulations, consisting of Eleven Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

The Third Day of *July* One thousand eight hundred and forty-two.

(L.S.) *Howard De Walden.*

ANNEX (C.)

To the TREATY between GREAT BRITAIN and PORTUGAL upon SLAVE TRADE of the Third Day of *July* One thousand eight hundred and forty-two.

Regulations in respect to the Treatment of liberated Negroes.

ARTICLE I.—The Object and Purpose of the Letter and Spirit of these Regulations is to secure to Negroes and others liberated in virtue of the Stipulations of the Treaty to which these Regulations form an Annex, (marked C.), permanent good Treatment, and full and complete Emancipation, in conformity with the humane Intentions of the High Contracting Parties.

ARTICLE II.—Immediately after Sentence of Condemnation upon a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Commissions established under the Treaty to which these Regulations form an Annex, all Negroes or others who were on board of such Vessel, and who were brought on board for the Purpose of being consigned to Slavery, shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

ARTICLE III.—The Negroes so liberated, and delivered over to such Government, shall be placed under the Care and Superintendence of a Board consisting of Two Members or Commissioners, with a Power to call in a Third Member, under the Circumstances herein-after stated.

In those Colonies or Possessions of Her *Britannic* Majesty in which, under the Treaty to which these Regulations form an Annex, Mixed Commissions are to sit, the Boards of Superintendence of liberated Negroes shall consist of the Governors of the said Colonies or Possessions, and of the *Portuguese* Commissioners in the said Mixed Commissions; and when the *Portuguese* Commissioners are absent, then the *Portuguese* Arbitrators of the said Mixed Commissions shall sit in the Place of the Commissioners in the Boards of Superintendence of liberated Negroes.

In those Colonies or Possessions of Her most Faithful Majesty in which under the present Treaty Mixed Commissions are to sit, the Boards of Superintendence of the liberated Negroes shall consist of the Governors of those Colonies or Possessions and of the *British* Commissioners in the said Mixed Commissions; and when the *British* Commissioners are absent, then the *British* Arbitrators of the said Mixed Commissions shall sit in the Place of the Commissioners in the Boards of Superintendence of liberated Negroes.

The several Members of the Boards of Superintendence shall, before entering upon their Offices respectively, take an Oath, in the Presence of the principal Magistrate of the Place, that they will faithfully execute their Office, without Favour or Partiality, according to the true Intent and Meaning of these Regulations.

Article IV.—In order the better to carry into effect the Purposes intended by the present Regulations, a Person of known Probity and Humanity shall be selected and appointed by the Board of Superintendence to act under its Directions, with the Title of Curator of liberated Negroes, and such Curator may, under the Sanction of the Board, employ such Persons as may be necessary to assist him in the Execution of his Duties.

The Curator so appointed shall, previously to his entering on the Duties of his Office, take before the Board of Superintendence an Oath in the following Words:

'I *A.B.* do solemnly swear, That I will act to the best 'of my Skill and Knowledge faithfully and impartially 'in the Execution of my Office, and that I will conduct 'myself with due Respect to the Authority of the Board 'of Superintendence of liberated Negroes to which I am 'attached. So help me GOD.'

Article V.—The Curator of the liberated Negroes shall be personally present at the Delivery of the Negroes to the Person charged by the Government to receive them after the Sentence of Emancipation is passed, as specified in Article II. of these Regulations.

Duplicate original Receipts for the Negroes delivered over to the Government, specifying the Number of each Sex, shall, at the Time when they are delivered as aforesaid, be made out and signed by the Officer receiving them.

One

One Original of such Receipts shall be given to the Person previously in charge of the Negroes, the other shall be given to the Curator, who shall deposit the same in the Registry of the Mixed Commission which adjudicated the Case of the Vessel in which the Negroes were captured.

At the Time of the Delivery of such Negroes to the Government in the Manner herein-before mentioned they shall be minutely inspected by the Curator, who shall give to each Negro a Name, which Name shall then be entered by the Curator in a Book to be called "Register of Emancipated Negroes," and to be kept for that Purpose in the Office of the Board of Superintendence, and opposite the Name shall be entered a Description of the Person, with the probable Age, with the bodily Marks, and with any Particulars which can be ascertained regarding the Family and Nation of such Negro, together with the Name of the Vessel in which he was captured.

Each Negro shall then be marked on the upper Part of the Right Arm with a small Silver Instrument bearing for its Device a Symbol of Freedom.

Article VI.—The Board of Superintendence shall then make known by the public Papers its Intention to apprentice out the liberated Negroes; and after Seven Days have elapsed from the Announcement of such Intention, the hiring or apprenticing of the Negroes shall take place, either by public Auction or by Tender, as may be thought best; and the Negroes shall then be distributed to their Hirers, upon the Conditions and Stipulations herein-after mentioned, which Conditions and Stipulations shall be published at the Time of Auction or Tender, and shall also be embodied in a Contract or Indenture to be entered into formally between the Hirer and the aforesaid Board. The Contract or Indenture shall be made out in Duplicate; it shall be in Print, and not in Writing; one Copy of it shall remain with the Hirer, and the other with the Board, under the Care of the Curator.

When the Sums offered by Two or more different Persons for the hiring of a Negro are equal, Preference shall be given to the Person who will undertake to employ such Negro as a Mechanic or as a Domestic Servant.

Article VII.—The Period of Service for which Apprentices shall be bound shall be Seven Years for all Negroes who at the Time of hiring are above Thirteen Years of Age; but Three of the Seven Years may be afterwards remitted, at the Discretion of the Board, upon the Recommendation of the Master, and upon Proof that the Apprentice is capable of earning an honest Livelihood, and is worthy of such Indulgence.

The Apprenticeship of Negroes who at the Time of hiring are under Thirteen Years of Age shall continue till the Age of Twenty, subject to a Diminution of that Term at the Discretion of the Board, upon due Proof being given that the Apprentice is worthy of such Indulgence, and is capable of maintaining himself.

ARTICLE VIII.—When more Apprentices than One are confided to the same Master, Care shall be taken to select for that Purpose such as are of the same *African* Nation, and, if possible, of the same Family; and in no Case shall a Child under Fourteen Years of Age be separated from its Mother, but such Child shall always be apprenticed to the same Master with its Mother.

ARTICLE IX.—The Name and Address of the Master, together with the Name and Position of the Estate or House where the liberated Negro is to be resident, shall be inserted opposite to the Name of the Negro in his Contract or Indenture.

ARTICLE X.—No Negro shall be apprenticed to any Master who resides more than Twenty *English* Miles from the Town where the Mixed Commission by which he was liberated is established; and if any Master to whom such Negro shall have been so apprenticed shall afterwards change his Residence, he shall be required to give immediate Notice thereof to the Curator.

The Apprentices must always reside at that particular Estate or House of the Master which is registered as being within the above-mentioned Distance from the Place of sitting of the Mixed Commission.

ARTICLE XI.—No Person shall be intrusted with One or more liberated Negroes unless he shall prove to the Board that he possesses ample Means for the Employment, Maintenance, and Support of such Negro or Negroes, and unless he shall make himself answerable, under the Penalty of Eighty Dollars for each Negro, that the Conditions under which such Negro is received shall be duly observed.

ARTICLE XII.—The Master shall engage to pay a stipulated Sum for the Hire of each Apprentice.

The Curator may, if the Amount is to be paid down in One Sum, demand it previously to the Hire, and if the Sum is to be periodically paid, the Curator may demand the same quarterly in advance.

ARTICLE XIII.—The Master shall undertake,—

First,—That the Apprentice shall be maintained with wholesome and abundant Food, and shall be provided with such Clothes as are usual according to the Custom of the Country.

Secondly,—That he shall be instructed in the Truths of the Christian Religion, in order that he may be baptized before the Expiration of the Second Year of his Apprenticeship.

Thirdly,—That he shall be vaccinated as soon as possible after having been delivered into the Charge of the Master; that in Sickness he shall have proper medical Advice, and shall be treated with due Care and Attention; and that in case of Death he shall be decently buried at the Master's Expence.

Fourthly, — That the Apprentice shall be taught some useful Business, or be instructed in some Trade or mechanical Art, whereby he may be enabled to maintain himself when the Period of his Service shall have expired.

Fifthly,—That whenever an Infant is born of any Female Apprentice, immediate Information thereof shall be given by the Master to the Board of Superintendence, in order that the Fact may be duly registered.

Sixthly,—That Baptism of an Infant so born shall take place within Three Months after its Birth, and that the Freedom of the Child shall be recorded in the Register of Baptism; but that such Child shall remain with its Mother, and shall be maintained and treated by the Master of the Mother in the same Manner as an Apprentice until the Apprenticeship of the Mother ceases.

Article XIV.—No Master shall in any Case be authorized to transfer to another Master his apprenticed Negro without the especial and written Sanction of the Board; and if the Master shall leave the Country, or shall change his Residence to a Part of the Country beyond the Limits herein-before fixed for Persons having Apprentices, or if he shall become so reduced in his Circumstances as to be obliged to give up his Establishment, then and in any of these Cases he shall report the same to the Board, and shall bring his Apprentices and deliver them up to the said Board, by whom they shall be received, and shall afterwards be apprenticed to another Master for the Remainder of the Period which such Apprentices may have to serve, and under the same Conditions as those imposed upon the first Master; but in no Case shall the Master be allowed to deliver up his Apprentice to any other Authority than to the said Board, or to the Curator, under the Orders of the Board.

If any Apprentice shall be guilty of Crimes which render him obnoxious to the Laws of the Country, or shall be guilty of habitual Drunkenness, Insubordination, wilful Carelessness, or Destruction of his Master's Property, the Master may in such Case bring him before the Board of Superintendence, and upon Proof of the Facts the said Board shall have Power to cancel the Indentures.

Article XV.—If an Apprentice should run away, his Master shall give immediate Information thereof to the Curator, who shall instantly proceed to a summary Investigation of the Fact, for the Information of the Board of Superintendence.

Any Master who shall be proved to have improperly disposed of an Apprentice whom he has reported as dead or absconded shall pay as a Fine the Sum of Three hundred Dollars.

The Half of this Fine shall be paid to the Informer, and the Remainder to the Curator, to be placed at the Disposal of the Board for the Purposes herein-after mentioned.

Article XVI.—If an Apprentice should fall sick, the Master shall give immediate Notice thereof to the Curator, in order

that he, or One of his Assistants, may visit such Apprentice, and report to the Board the Nature of his Disorder, and the Manner in which such sick Negro is taken care of.

If an Apprentice should die, Notice thereof shall immediately be given to the Curator, in order that he, or One of his Assistants, may attend, for the Purpose of ascertaining that the deceased Negro was really and truly the Apprentice described as such in the Register.

For this Purpose the Curator or his Assistant shall make such Inquiries as he may judge necessary, interrogating the Inhabitants of the House in which the Negro has died, the Neighbours or other Persons, and shall take such other Means as he may judge necessary to enable him to ascertain the Truth, in order that the Burial of the Negro, which is to be at the Expence of the Master, may take place without further Delay.

A summary Report of the Result of this Inquiry shall then be drawn up officially by the Curator, and shall be delivered without Delay to the Board.

The Curator, after having identified the Body of an Apprentice who may have died, shall investigate the Cause of the Death, and if the Death shall appear to have been natural he shall note that Fact in the Register.

If the Cause of Death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other Negroes and other Inhabitants of the House, and shall take such other Means as may appear necessary to ascertain the Facts of the Case; and if there shall appear Reason to suspect that the Death of such Negro has been occasioned by Violence, improper Usage, or culpable Neglect, he shall take the proper Course for bringing the Offender to Trial before the Courts of the Country.

Article XVII.—If the Master of any Apprentice shall commit any Breach of these Conditions, a Fine shall be imposed upon him of not less than Fifty and not exceeding One hundred Dollars, one Half of which shall go to the Informer, and the other Half shall be placed at the Disposal of the Board of Superintendence, for the Purposes herein-after mentioned; and in case of any gross Misconduct of the said Master towards his Apprentice, such Master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned Fine, forfeit all further Right to the Services of the Apprentice, and the said Apprentice shall be taken from such Master, and shall be apprenticed to another Master for the Remainder of his Term of Apprenticeship.

Article XVIII.—If the Master of an Apprentice shall die, his Heir, or the Person to whom the Possession of such Apprentice shall devolve, shall, within Four Days after the Death of such Master, report the same to the Board of Superintendence.

The Board shall thereupon issue their Order to the Curator to bring the Apprentice before them; and when the Apprentice is so brought the Board shall apprentice him to another Master, under the established Conditions.

If

If the Heir, or the Person in possession of such Apprentice, shall neglect to report the Death of the Master within Four Days, he shall pay One Dollar a Day for each apprenticed Negro belonging to such deceased Master until he shall have delivered them all up to the said Board, and he shall, moreover, be subject to the other Penalties which attach to the Nonperformance of the Conditions established by these Regulations.

Article XIX.—If any liberated Negro be apprenticed to or hired by the Government, the Contract shall contain the same Conditions and Stipulations in regard to the Negro as are hereinbefore prescribed for Cases in which the Negro is apprenticed to a private Individual.

Article XX.—Liberated Negroes shall, at the Discretion of the Board of Superintendence, and when it shall be ascertained that their own free Will has been previously obtained, be permitted to become Soldiers or Sailors in the regular Land or Sea Forces of the State in whose Territories they shall have been emancipated.

The Board shall take care in such Case to ascertain that the Negroes fully understand and are aware of the Nature of the Engagement which they enter into by so enlisting.

The Government into whose Service the Negroes enlist shall sign a Receipt for them, which Receipt shall be delivered to the Curator at the Time of the Enlistment, and the Board shall take Means to ensure that the full and permanent Emancipation of such Negroes shall be secured to them, according to the true Spirit of these Regulations.

Article XXI.—Those liberated Negroes who may not be apprenticed, or who may not have enlisted in the Sea or Land Forces of the State to which the Colony or Possession in which they may be belongs, or whose Indentures shall have become void or shall have been cancelled, shall be provided for by the Government of such Colony or Possession.

They shall be kept within Twenty Miles of the Place where the Mixed Commissioners are sitting.

The Expence of maintaining and supporting such Negroes shall be borne by the Government of the Colony, but they shall be under the Care and Superintendence of the Board and Curator; and the present Regulations shall be applicable to them in every respect, excepting as regards Apprenticeship.

Article XXII.—The Curator shall endeavour by means of an Interpreter to explain to each Negro the Nature of any Contract by which he may become bound, and shall inform him that if he should at any Time be ill-treated by his Master he must make his Complaint to the Curator, or to the Board of Superintendence of liberated Negroes.

Article XXIII.—It shall be the Duty of the Curator or of his Assistant to visit once at least in every Three Months all Places

Places where there are any liberated Negroes under the Superintendence of the Board. He shall examine and inspect all such Negroes, receive their Complaints, inquire into those Complaints and search out the Truth, and investigate any Abuses that may affect the said Negroes, and he shall also inquire into the general Conduct of the Negroes themselves.

The Curator shall then bring to the Notice of the Board every Complaint on the Part of the said Negroes, and every Breach of the Conditions and Stipulations of the Contract under which the Negroes serve; and in all Cases of well-founded Complaint the Board shall take proper Means for affording Redress.

The Inspections above prescribed are not to be made at stated Periods, but at uncertain Times, and unexpectedly.

The Curator shall also report to the Board every Three Months the State in which he finds the liberated Negroes, and his Report shall be entered in a Book to be kept for that Purpose, to be called "Curator's Reports," and to be deposited in the Office of the Board, so that on reference thereto the Condition and Behaviour of every liberated Negro may be easily known.

Article XXIV.—All Proceedings of the Curator, together with a Statement of all Facts which may from Time to Time come to his Knowledge respecting the liberated Negroes, shall be immediately communicated by him to the Board of Superintendence, and he is not to institute any Proceedings nor to take any Steps in respect to such Negroes without the Knowledge and Sanction of the Board.

Article XXV.—The Curator shall receive all the Sums which are to be paid for the Hire of Apprentices, and all the Monies arising from Penalties incurred by Masters, and shall render an Account thereof to the Board of Superintendence.

The Amount is to be applied to the Purposes herein-after mentioned.

Article XXVI.—When the prescribed Term of Service of any Apprentice shall have expired, the Curator shall, under the Direction of the Board of Superintendence, summon such Apprentice, together with his Master, to appear before the said Board; the Master shall then give up to the Board the Indenture of the Negro, and the Negro shall receive from the Board a Certificate, specifying that such Negro has completed the Term of his Apprenticeship, and is entitled to all the Rights and Privileges of a free Person.

The Curator shall see that this Certificate be authenticated and registered, according to the Custom of the Country.

Article XXVII.—The Board of Superintendence shall have the Power to admonish the Curator and any other Officer serving under the Board, if such Curator or other Officer shall fail to execute his Duty faithfully; and if the Board shall see necessary they may dismiss such Curator or other Officer and appoint Successors.

ARTICLE XXVIII.—The necessary Proceedings for recovering such Sums as may be due from Masters on account of the Hire of Apprentices, and for enforcing the Payment of the several Fines and Penalties herein-before imposed, shall be instituted in the proper Courts of Law of the Country where the Boards of Superintendence shall respectively reside, and shall be carried on at the Instance of the Board.

The Expences of such Proceedings shall be defrayed as herein-after mentioned; and the High Contracting Parties hereby engage that within Six Months from the Exchange of the Ratifications of the Treaty to which these Regulations are annexed they will grant the requisite Authority and Powers to the Courts of Law of the Country where the Boards of Superintendence are respectively held to take cognizance of the Actions which for the due Execution of these Regulations may be brought in such Courts of Law at the Instance of the Boards, so that the Penalties herein-before mentioned may be recovered, and the Levy of the Monies herein-before mentioned may be enforced, and the Payment of the Amount thereof may be made to the Person appointed by these Regulations to receive such Penalties and Monies.

ARTICLE XXIX.—The Money arising from the Hire of liberated Negroes, and also from the Penalties incurred by the Masters, shall be deposited by the Curator in a Chest with Three Keys, One of which shall be kept by each Commissioner of the Board of Superintendence, and One by the Curator.

The Curator shall so deposit the several Sums as soon as he receives them, making previously a regular Entry of the Receipt in a Book to be kept for that Purpose.

This Money shall be applied in the following Manner; (that is to say,) a Portion thereof, at the Discretion of the Board of Superintendence, shall be paid to the Curator, and to the other Officers employed under the said Board, for their Salaries; so much of the remaining Portion as shall be needful shall be applied towards defraying the Expence of prosecuting Masters for Breach of the Conditions and Stipulations of their Contracts, and also towards defraying the other Expences incurred for carrying these Regulations into effect, and the remaining Balance, if any, shall be laid out, at the Discretion of the said Board, in the Promotion of the Comfort and Welfare of the liberated Negroes, either during their Term of Service, or at its Expiration, and especially in Rewards to liberated Negroes for good Conduct.

The Accounts of these Monies, and of the Manner in which they have been applied, shall, at the Expiration of every Year, be made up in duplicate by the Curator; and after these Accounts have been examined and approved by the Board, One of such Duplicates shall be transmitted by each Commissioner to the Government on whose Part he is acting.

If the Fund should not prove sufficient to liquidate the just and necessary Demands made for the Purposes required, the

Deficiency shall be made good, in equal Moieties, by the Two Governments.

ARTICLE XXX.—In the event of a Difference arising between the Two aforesaid Commissioners of the Board, regarding the Appointment of any Officer under them, or regarding any other Matter in the Execution of these Regulations, if such Difference shall occur in a *British* Colony or Possession, the Board shall call in the Person who officiates in that Colony or Possession as *Portuguese* Arbitrator to the Mixed Commission under the Treaty; and if the Case shall occur in a *Portuguese* Colony or Possession, the Board of Superintendence shall call in the Person who officiates in that Colony or Possession as *British* Arbitrator to the Mixed Commission under the Treaty; and the Board of Superintendence of liberated Negroes thus formed, and being composed of the Two Commissioners and of One Arbitrator, shall, by the Majority of Voices, decide all such Points of Difference.

It shall not be permitted to the Members of the Board of Superintendence, nor to any Officer acting under them, to demand or receive from any one, excepting as herein specified, any Emolument, under any Pretext whatsoever, for the Performance of the Duties which are imposed upon them by the present Regulations.

ARTICLE XXXI.—Nothing that is contained in these Regulations shall be construed to exempt any liberated Negro from his Liability as a free Man to be proceeded against for any Offence committed by him (except as herein provided for) against the Laws of the Country in which he is located; but in all Cases where any Offence against such Laws is imputed to a Negro under the Care of the aforesaid Board of Superintendence, the Laws shall be administered to him as to a free Man, and the Curator shall, either personally or by a responsible Individual deputed by him for the Purpose, attend the Courts of Justice of the Country to see that Justice is done to the Negro.

ARTICLE XXXII. — It is further stipulated, with a view to avoid the unnecessary Multiplication of Words, that every thing contained in the foregoing Regulations which applies to Masters shall be construed as applying equally to Mistresses, and that every thing in the said Regulations with respect to Negroes and Apprentices which applies to the Masculine Gender and Singular Number shall be construed as applying equally to the Female Sex and to the Plural Number, unless such Construction shall be in express Opposition to any other Enactment of these Regulations.

ARTICLE XXXIII.—These Regulations shall be inserted in the official Gazette or Journal of the Countries whose Sovereigns are Contracting Parties to the Treaty, and also in the official Journal or Gazette of the Place where the Mixed Commissions are respectively held; and the Government of the said Countries shall

shall convey to the said Boards of Superintendence of liberated Negroes, to the Curators, and to their Assistants, under those Boards, such Authority as may be requisite to enable the said Boards of Superintendence, Curators, and Officers acting under them respectively to perform the Duties and to exercise the Powers intrusted to them by these Regulations.

ARTICLE XXXIV.—The High Contracting Parties agree, that if in future it should appear necessary to adopt new Measures, in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and agree upon other Means better adapted for the complete Attainment of the Objects they have in view.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty, signed by them on this Day, the Third of *July* One thousand eight hundred and forty-two, that the preceding Regulations, consisting of Thirty-four Articles, shall be annexed to the said Treaty, and be considered an integral Part thereof.

The Third Day of *July* One thousand eight hundred and forty-two.

(L. S.) *Howard De Walden.*

And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and Her Majesty the Queen of *Portugal* and the *Algarves*, and such Ratification was exchanged on the Thirtieth Day of *July* One thousand eight hundred and forty-two: And whereas an additional Article to the said Treaty was concluded at *Lisbon* on the Twenty-second Day of *October* in the Year One thousand eight hundred and forty-two, as follows:

ADDITIONAL ARTICLE to the Treaty concluded at *Lisbon* on the Third Day of *July* One thousand eight hundred and forty-two between *Great Britain* and *Portugal* for the Suppression of the Traffic in Slaves.

Whereas the Regulations in respect to the Treatment of liberated Negroes, contained in Annex (C.) of the Treaty between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and Her Majesty the Queen of *Portugal* and the *Algarves*, signed at *Lisbon* on the Third Day of *July* One thousand eight hundred and forty-two, are by the Thirteenth Article of that Treaty declared to be established for the Purpose of guaranteeing the Liberty of such Negroes:

And whereas within the *British* Colonies in which, in pursuance of the said Treaty, Mixed Commissions have been established, there are already in force, or may be hereafter enacted, Laws or Regulations having the Force of Law better adapted for the Purpose aforesaid, and the Maintenance of such Laws or Regulations would therefore be more in accordance with the salutary End which the Two High Contracting Parties have in view:

It is therefore agreed that in the *British* Colonies where such Mixed Commissions are established, and where the existing Laws or Regulations having the Force of Law on the Subject of the Treatment of liberated Negroes are already better adapted than the Regulations contained in the Annex (C.) to guarantee the Liberty of Negroes liberated under the said Treaty, the Mixed Commissions shall consider such Laws or Regulations as superseding the special Regulations of Annex (C.) inasmuch as they may, either wholly or in part, be more beneficial to the said liberated Negroes.

It is equally agreed that the Mixed Commissions established in the Colonial Dominions of either of the Two High Contracting Parties, in virtue of the aforesaid Treaty, shall be empowered with full Authority to admit in future similar Substitutions in the Case of any Laws or Regulations having the Force of Law being hereafter enacted in the Colonies of Her *Britannic* Majesty or in the Colonies of Her most Faithful Majesty better adapted to guarantee the Liberty and insure the Welfare of the liberated Negroes in the said Colonies.

Any such Laws or Regulations having the Force of Law by which any of the Regulations of Annex (C.) shall be superseded under this Article shall be duly communicated, as the Case may be, by the one to the other of the High Contracting Parties.

The present additional Article shall have the same Force and Validity as if it had been inserted Word for Word in the aforesaid Treaty of the Third Day of *July* One thousand eight hundred and forty-two.

It shall be ratified, and the Ratifications thereof shall be exchanged at *Lisbon*, at the Expiration of Six Weeks from the Date of its Signature, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at *Lisbon* the Twenty-second Day of *October* in the Year of our Lord One thousand eight hundred and forty-two.

(L. S.) *Howard De Walden.*

And whereas the said additional Article was also ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and Her Majesty the Queen of *Portugal* and the *Algarves*, and such Ratification was exchanged at *Lisbon* on the Twenty-fourth Day of *November* in the Year One thousand eight hundred and forty-two: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty, Annexes, and additional Article: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Queen of *Portugal* not below the Rank of Lieutenant of the Royal Navy, (unless by the Death of the Commander of such Ship, or otherwise, the Command thereof

Officers commanding Ships of Her Majesty or of the Queen

of Portugal, being duly authorized, empowered to visit and search Merchant Ships of the Two Nations within certain Limits.

thereof shall have devolved upon an Officer of inferior Rank, and then for such last-mentioned Officer,) and who shall be duly instructed and authorized according to the Provisions of the said Treaty, and for any Officer not below the Rank of Lieutenant in the Royal Navy who shall be acting under the Orders of any Officer commanding a Ship of War so instructed and authorized as aforesaid, to visit and search any Merchant Vessel of either of the said Two Nations, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, excepting within the *Mediterranean Sea*, or within the Seas in *Europe* lying without the Straits of *Gibraltar* and which lie to the Northward of the Thirty-seventh Parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Commissions to be established in virtue of the Sixth Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Ships suspected of having been fitted out for the Purpose of Traffic in Slaves liable to Search and Detention.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Portuguese* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Commissioners and Arbitrators of the Mixed Commissions to be appointed according to the Provisions of the said Treaty.

Her Majesty may appoint Commissioners and Arbitrators to decide Cases of Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Commissioners and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Commissioners and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Commissioners and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

IV. And

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Commissions which shall be established in Her Majesty's Dominions, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

In case of the Death or Incapacity from Illness of any British Commissioner of such Courts, or of the British Arbitrator.

V. And be it enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Commissioner of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Commissioner *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Commissioner shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Commission established by virtue of the said Treaty, in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Commission, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Commission established by virtue of the said Treaty within the Possessions of Her most Faithful Majesty, or of his assuming *ad interim* the Duties of a Commissioner of the said Commission as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Commissioner and *British* Arbitrator, then that such Office of Commissioner shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Portuguese* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Commissioner and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Portuguese* Commissioner and *Portuguese* Arbitrator of such Commission to sit alone in such Commission, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by

by Her Majesty, or until the said *British* Commissioner and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Commissioners and Arbitrators to take an Oath.

VI. And be it enacted, That every such Commissioner and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Commission shall be established, whether belonging to Her *Britannic* Majesty or to Her most Faithful Majesty, which Oath any such Magistrate shall be authorized to administer in the Form following; (that is to say,)

Form of Oath.

'I *A. B.* do solemnly swear, That I will, according to the best of 'my Skill and Knowledge, act in the Execution of my Office 'as faithfully, impartially, fairly, and without Preference 'or Favour either for Claimants or Captors or any other Persons; 'and that I will, to the best of my Judgment and Power, act in 'pursuance of and according to the Stipulations, Regulations, and 'Instructions contained in the Treaty between Her Majesty and 'Her most Faithful Majesty signed at *Lisbon* on the Twenty-eighth 'Day of *June* in the Year One thousand eight hundred and thirty-'five.'

Secretary or Registrar to take an Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Commissioners of the said Commission, who shall be empowered to administer the same, in the Form following; (that is to say,)

'I *A. B.* do solemnly swear, That I will, according to the best of 'my Skill and Knowledge, act in the Execution of my Office, and 'that I will conduct myself with Respect to the Authority of the 'Commissioners and Arbitrators of the Commission to which I am 'attached, and will act with Fidelity in all the Affairs which may 'belong to my Charge, and without Preference or Favour either 'for Claimants or Captors or any other Persons.'

Commissioners and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Commissioners or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing, in the Course of any Proceeding before the said Commissioners or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Commissioners and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had

or Affidavit taken in any Proceeding before the Commissioners or Arbitrators aforesaid, under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Commissioners to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceeding instituted before the said Commissioners or Arbitrators for the Condemnation or Restitution of any Ship or Cargo of Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage, or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or any thing done in pursuance of the Provisions of the said Treaty.

Commissary, Judges, and Commissioners of Arbitration already appointed under former Treaties may act until Commissioners and Arbitrators are appointed under this Act.

X. Provided always, and be it enacted, That until the Appointment and Establishment of the Mixed Commissions to be appointed and established under the said Treaty and this Act it shall be lawful for the Commissary, Judges, and Commissioners of Arbitration, appointed under an additional Convention made between Her Majesty and the Queen of *Portugal* for preventing Traffic in Slaves, and signed at *Lisbon* on the Twenty-eighth of *July* in the Year One thousand eight hundred and seventeen, and of an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third for carrying into execution the said additional Convention, to do all Things which by the said Treaty of the Third of *July* in the Year One thousand eight hundred and forty-two and by this Act are required and authorized to be done by the Commissioners and Arbitrators of the said Mixed Commission when established, according to the true Intent and Meaning of the said last-mentioned Treaty and of this Act.

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

XI. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board of any such Merchant Vessel wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the

Fifth Year of the Reign of His Majesty King *George* the Fourth,
5 G. 4. c. 113. intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.*

Captured Negroes to be delivered over.

XII. And be it enacted, That immediately after Sentence of Condemnation upon a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Commissions established under the said Treaty, all Negroes or others who were on board of such Vessel, and who were brought on board for the Purpose of being consigned to Slavery, shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

Existing Laws to supersede special Regulations of Annex (C.) in certain British Colonies.

XIII. And be it enacted, That in the *British* Colonies where such Mixed Commissions are established, and where the existing Laws or Regulations having the Force of Law on the Subject of the Treatment of liberated Negroes are already better adapted than the Regulations contained in the Annex (C.) to the said Treaty to guarantee the Liberty of Negroes liberated under the said Treaty, the Mixed Commissions shall consider such Laws or Regulations as superseding the special Regulations of Annex (C.), inasmuch as they may either wholly or in part be more beneficial to the said liberated Negroes; and it shall be lawful for Her Majesty to make such further general or special Order or Orders in Council from Time to Time; and any Indenture of Apprenticeship, duly made and executed by any Person or Persons to be for that Purpose appointed by or on behalf of Her Majesty's Government, shall be of the same Force and Effect as if the Party thereby bound as an Apprentice had himself or herself, when of full Age, upon good Considerations, duly executed the same; and every such Person who shall be enlisted or entered into Her Majesty's Land or Sea Forces as a Soldier, Seaman, or Marine shall be dealt with in all respects as if he had voluntarily so enlisted or entered himself.

Special Regulations of Annex (C.) may be superseded in other British Colonies.

XIV. And be it enacted, That the Mixed Commissions established in the *British* Colonies, in virtue of the aforesaid Treaty, shall be empowered with full Authority to admit in future similar Substitutions in the Case of any Laws or Regulations having the Force of Law being hereafter enacted in the *British* Colonies better adapted to guarantee the Liberty and ensure the Welfare of the liberated Negroes in the said Colonies.

Vessels condemned to be sold for Her Majesty's Service, or broken up.

XV. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or, if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof, and of the Goods, Wares, and Merchandize laden therein, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

XVI. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty duly authorized to make such Seizure under the Provisions of the said Treaty, and shall be afterwards condemned by any of the Commissions appointed in virtue of the said Treaty, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for Slaves captured.

XVII. And be it enacted, That there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Portuguese* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

XVIII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the Treaty aforesaid shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel, at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized, an additional Bounty to be paid.

XIX. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel, at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the Principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof, by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage instead of the Bounty which would be payable upon the Number of Slaves on board.

XX. And

Bounties to be paid out of the Consolidated Fund.

XX. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

XXI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Proof of Tonnage.

XXII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XXIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

One Moiety of this Bounty only to be paid in certain Cases.

XXIV. And be it enacted, That where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *Portuguese* Ship or Vessel, taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XXV. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Portuguese* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

XXVI. And

XXVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

XXVII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of Her Majesty or of Her most Faithful Majesty shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Commission as is mentioned in the Fifth Article of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty and of Her most Faithful Majesty detained but not condemned.

XXVIII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expences incurred by him.

XXIX. Provided always, and be it enacted, That if any of the Things specified in the Ninth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Commissioners, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Commissioners should not pronounce any Sentence of Condemnation.

No Compensation when any Articles specified in the Ninth Article of the Treaty are found on board.

XXX. And whereas by the Eighth Article of the said Treaty it was agreed that the Mixed Commissions which were then established and sitting under the Convention concluded between *Great Britain* and *Portugal* on the Twenty-eighth Day of *July* One thousand eight hundred and seventeen should continue to sit, and during Two Months, to be reckoned from the Exchange of the Ratifications of the said Treaty, and until the further Appointment and definitive

All Acts performed under the Treaty to be good and sufficient in Law.

Establishment of the Mixed Courts of Justice under the said Treaty, should adjudge, without Appeal, the Cases of such Vessels as might be sent or brought before them, according to the Principles and Stipulations of the said Treaty and of the several Annexes thereof: And whereas in conformity with the said Treaty certain Officers of Her Majesty's Navy were instructed and authorized to search and detain any *British* or *Portuguese* Merchant Vessel actually engaged or suspected to be engaged in the Slave Trade, or to be fitted out for the Purpose thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she might be met with by such Officer, and to bring or send such Merchant Vessel for Judgment: And whereas it may have happened that under the said Authority and Instructions *British* and *Portuguese* Merchant Vessels may have been already and before the passing of this Act detained and brought or sent before the Mixed Commissions established and sitting under the said additional Convention between *Great Britain* and *Portugal*, concluded on the aforesaid Twenty-eighth of *July* in the Year One thousand eight hundred and seventeen, and the Commissioners may have proceeded to adjudge the Cases of such Vessels, and it is expedient that all Acts done in conformity with the said Treaty and with the said Instructions should be rendered valid, and that all Persons acting under and by virtue of such Authority and Instructions should be protected and indemnified; be it therefore enacted, That all Acts done by or under the Authority of any Officer of Her Majesty's Navy, in conformity with the said Treaty, who may have been instructed and authorized to search and detain and bring or send any Merchant Vessels for Judgment, according to the said Treaty, and all Adjudications and Orders and other Acts which may have been made and done by the said Mixed Commissions in consequence thereof, shall be deemed to be good in Law; and no Officer of Her Majesty's Navy, or other Person acting under such Instructions and Authority, and in conformity with the said Treaty, and no Commissioner or other Officer of the said Mixed Commissions, shall be liable to any Prosecutions or Suit at Law for any such Acts, Adjudications, or Orders so done or made by them respectively as aforesaid.

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Gift of the Patron thereof, a Clerk should be presented or collated thereto by His Majesty or the Ordinary by reason of a Lapse, such last-mentioned Clerk should be deemed to have obtained Possession adversely to the Right of Presentation or Gift of such Patron as aforesaid; but that when a Clerk should have been presented by His Majesty upon the Avoidance of a Benefice in consequence of the Incumbent thereof having been made a Bishop, the Incumbency of such Clerk should for the Purposes of that Act be deemed a Continuation of the Incumbency of the Clerk so made Bishop; and by the said Act it was further enacted, that in the Construction thereof every Person claiming a Right to present to or bestow any Ecclesiastical Benefice as Patron thereof, by virtue of any Estate, Interest, or Right which the Owner of an Estate Tail in the Advowson might have barred, should be deemed to be a Person claiming through the Person entitled to such Estate Tail, and the Right to bring any Quare impedit, Action or Suit, should be limited accordingly: Provided always, and it was thereby further enacted, that after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person should bring any Quare impedit or other Action, or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk should have obtained Possession of such Benefice adversely to the Right of Presentation or Gift of such Person, or of some Person through whom he claims, or of some Person entitled to some preceding Estate or Interest or undivided Share, or alternate Right of Presentation or Gift, held or derived under the same Title, unless a Clerk should subsequently have obtained Possession of such Benefice on the Presentation or Gift of the Person so claiming, or of some Person through whom he claims, or of some other Person entitled in respect of an Estate, Share, or Right held or derived under the same Title; and by the said Act it was further enacted, that at the Determination of the Period limited by that Act to any Person for bringing any Writ of Quare impedit, or other Action or Suit, the Right and Title of such Person to the Advowson, for the Recovery whereof such Action or Suit might have been brought within such Period, should be extinguished: Provided always, and it was thereby further enacted, that that Act should not, so far as it related to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice, extend to *Ireland*: And whereas the herein-before in part recited Act, save in so far as it relates to any such Right as last aforesaid, is already in force in *Ireland*, and it is expedient to extend to *Ireland* the whole of the Provisions of that Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the First Day of *January* One thousand eight hundred and forty-four the several Clauses and Enactments in the said Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth contained, and herein-before recited, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice (the Clause thereof providing that the said Act so far as it relates to any such Right shall not extend to *Ireland* always excepted), shall extend and apply to *Ireland*, and that as fully

Provisions of 5 & 4. W. 4. c. 27., relating to Advowsons, &c., extended to Ireland.

and effectually as if the same Clauses and Enactments were here repeated, substituting for the said Date of the Thirty-first Day of *December* One thousand eight hundred and thirty-three the said Date of the First Day of *January* One thousand eight hundred and forty-four.

Certain Words in those Provisions to be similarly interpreted.

II. And whereas it was by the said recited Act enacted, that the Words and Expressions therein mentioned, which in their ordinary Signification have a more confined or a different Meaning, should in that Act, except where the Nature of the Provision or the Context of the Act should exclude such Construction, be interpreted as therein follows; (that is to say,) that the Person through whom another Person is said to claim should mean any Person by, through, or under, or by the Act of whom the Person so claiming became entitled to the Estate or Interest claimed, as Heir, Issue in Tail, Tenant by the Curtesy of *England*, Tenant in Dower, Successor Special or General, Occupant, Executor, Administrator, Legatee, Husband, Assignee, Appointee, Devisee, or otherwise, and also any Person who was entitled to an Estate or Interest to which the Person so claiming, or some Person through whom he claims, became entitled as Lord by Escheat; and that the Word "Person" should extend to a Body Politic, Corporate, or Collegiate, and to a Class of Creditors or other Persons, as well as an Individual; and that every Word importing the Singular Number only should extend and be applied to several Persons or Things as well as One Person or Thing; and that every Word importing the Masculine Gender only should extend and be applied to a Female as well as a Male; be it therefore further enacted, That the same Words and Expressions shall in this Act be similarly interpreted, extended, and applied.

Removing Doubts as to the Periods limited for bringing any Quare impedit or other Action.

III. And whereas Doubts have been entertained whether the several Periods by the said Act limited for bringing any Quare impedit or other Action, or any Suit to enforce a Right to present to, or bestow any Ecclesiastical Benefice as the Patron thereof, apply to the Case of a Bishop claiming to have Right to collate to or bestow any Ecclesiastical Benefice in his Diocese, and it is expedient that all such Doubts should be removed; be it therefore enacted, That the several Periods limited by the said Act or by this Act for bringing any Quare impedit or other Action, or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, shall apply to the Case of any Bishop claiming a Right as Patron to collate to or bestow any Ecclesiastical Benefice, and that such Right shall be extinguished in the same Manner and at the same Periods as the Right of any other Patron to present to or bestow any Ecclesiastical Benefice: Provided always, That nothing herein contained shall be deemed to affect the Right of any Bishop to collate to any Ecclesiastical Benefice by reason of Lapse.

Provisions for the Cases of Roman Catholic Patrons who shall hereafter conform. 18 Car. 2. (I.)

IV. And whereas by an Act passed in the *Irish* Parliament in the Session held in the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, intituled *An Act for the explaining of some Doubts arising upon an Act, intituled 'An Act for the better Execution 'of His Majesty's gracious Declaration for the Settlement of His King-'dom of* Ireland, *and Satisfaction of the several Interests of Adventurers, 'Soldiers, and other His Subjects there;' and for making some Alterations of and Additions unto the said Act for the more speedy and effectual*

effectual Settlement of the said Kingdom, it was enacted, that certain Advowsons and Rights of Patronage, and the Rights of Nomination, Presentation, or Collation to or Donation of certain Ecclesiastical Benefices or Promotions, which had been forfeited by certain *Irish* Papists or Popish Recusants, should vest, remain, and continue in His Majesty, His Heirs and Successors, until such *Irish* Papist or Popish Recusant, or the right Heir of such Papist or Recusant, should come to Church, and receive the Sacrament according to the Rites of the Church of *England*, and from and after such Conformity should be again revested in the Person so conforming and his Heirs: And whereas by an Act passed in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*, it was enacted, that where any Papists, or Persons professing the Popish Religion, did or should claim, enjoy, or possess any Advowson or Advowsons of Churches, Right of Patronage or Presentation to any Ecclesiastical Benefice, or where any Protestant or Protestants did or should hold, claim, enjoy, or possess any Advowson or Advowsons of Churches, or Right of Patronage or Presentation to any Ecclesiastical Benefice or Benefices, in Trust or for the Use and Benefit of any Papist or Papists whatsoever, that every such Advowson, and Right of Patronage or Presentation, should be thereby *ipso facto* vested in Her Majesty, Her Heirs and Successors, according to such Estates as such Papist had in the same, until such Time as such Papist, or the Heir or Heirs of such Papist, should take a certain Oath and subscribe a certain Declaration and Abjuration prescribed by and set forth in the said Act, and should conform to the Church of *Ireland* as by Law established; be it enacted, That no Possession under any Presentation by the Crown, or Collation by the Ordinary, which may have taken place by reason of the said Act of the Eighteenth Year of the Reign of His Majesty King *Charles* the Second, or of the said Act of the Second Year of the Reign of Her Majesty Queen *Anne*, during the Nonconformity of any such Patron professing the Roman Catholic Religion, shall be deemed an adverse Possession within the Meaning of this Act against the Right of any such Patron or his Heirs, or any Person claiming by, through, or under him or them; provided, that in all Cases in which any Patron shall have conformed to the said United Church within Sixty Years before the passing of this Act, or shall hereafter conform thereto, such Patron, or any Person claiming by, through, or under him, shall not be barred from bringing any such Quare impedit, or other Action or Suit, for the Purpose in the said first herein-recited Act mentioned, before the Expiration of Sixty Years, to commence and be computed from the Day on which such Patron shall have so conformed as aforesaid.

2 Ann. c. 6.

Act not to apply to Suits commenced before 1st January 1815.

V. Provided always, and be it enacted, That this Act shall not be prejudicial or available to or for any Plaintiff or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland*.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act for the Amendment of the Proceedings and Practice of the Equity Side of the Court of Exchequer in *Ireland*. [17th *August* 1843.]

WHEREAS it is expedient that the Laws relating to Proceedings on the Equity Side of the Court of Exchequer in *Ireland* should be amended, and that the Costs and Expences of such Proceedings should be diminished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Defendant to any Suit instituted in the said Court shall be duly served in *Ireland* with Process of Subpœna to appear and answer in such Suit, and shall refuse or neglect to appear thereto, an Appearance shall and may, after the Expiration of Eight Days, exclusive of *Sundays* and Holidays, from the due Service of such Subpœna, be entered for such Defendant at the Instance of the Plaintiff, in such Manner and Form as the Court by any general Order or Orders to be made in pursuance of this Act shall direct, and that thereupon such further Proceedings may be had in the Cause as if the Defendant had actually appeared.

If a Defendant has been served with Process, and neglects to appear after Eight Days, an Appearance may be entered, and Proceedings had.

II. And be it enacted, That any Person shall be at liberty to take an Office Copy of so much only of any Pleading, Decree, Order, Report, Exceptions, or other Paper or Document being in any Office of the said Court as he may require, and that, unless the Court shall otherwise specially direct, no Recitals shall be introduced in any Decree

Decrees and Orders of the Court.

Decree or Order of the said Court, but the Pleadings, Petition, Notice, Report, Evidences, Affidavits, Exhibits, or other Matters or Documents on which such Decrees or Orders shall be founded, shall merely be referred to; and it shall be lawful for the Court to make and issue such Rules and Regulations as to the Form of such Decrees and Orders as it may deem necessary or proper for the proper drawing up of such Decrees and Orders, and carrying into effect the Provisions of this Act in regard thereto.

Sales or Mortgages under Decrees or Orders of the Court.

III. And be it enacted, That where any Decree or Order of the said Court shall direct any Sale, Mortgage, or other Dispositions of Lands or any other Property whatsoever to be had before any Officer of the said Court, it shall and may be lawful for such Officer to proceed and sell and such Officer is hereby required to proceed and sell in pursuance of such Decree or Order, the Subject Matter thereby directed to be sold, upon Production of the attested Copy of such Decree or Order signed by the Register, and without in any way requiring an Enrolment of such Decree or Order to be produced to warrant the Sale, Mortgage, or other Disposition by the Decree or Order directed.

Service of an attested Copy of a Decree to be sufficient to warrant Attachment.

IV. And be it enacted, That in all Cases the Service of an attested Copy of any Decree or Order of the said Court shall be a sufficient Service thereof to warrant an Attachment and all subsequent Proceedings for not complying with such Decree or Order; and that it shall and may be lawful for the Court to proceed by Attachment or otherwise, as it shall deem proper, upon the Service of such attested Copy, without requiring an Enrolment of such Decree or Order to be served as a Warrant for any Attachment or subsequent Proceeding for not complying with such Decree or Order.

If any Person neglects to execute any Deed or Transfer the Court may order the Chief or Second Remembrancer to execute the same.

V. And be it enacted, That when any Person who has been or shall be directed by any Decree or Order of the said Court to execute any Deed or other Instrument, or make a Surrender or Transfer, if it shall appear upon Affidavit or Affidavits, to be made to the Satisfaction of the Court, that such Person refuses, declines, or neglects to execute the same, it shall and may be lawful for the Court, after the Expiration of Ten Days from the Service of the Decree or Order personally and Tender of such Deed or Instrument for Execution, to make an Order, upon Motion in open Court, that the Chief or Second Remembrancer of the said Court shall execute such Deed or other Instrument, or make such Surrender or Transfer, in the Name of such Person, and do all Acts necessary to give Validity and Operation to such Deed or other Instrument; and the Execution of the said Deed or other Instrument, or the Surrender or Transfer, or other Act made or done by such Officer in pursuance of such Order shall in all respects have the same Force and Validity as if the same had been made, done, or executed by the Party himself: Provided always, that it shall and may be lawful for the said Court, if they shall so think fit, to make any Rule or Order for the Substitution of the said Service of such Decree or Order.

Depositions.

VI. And be it enacted, That henceforth all Depositions of Witnesses examined in the said Court shall be taken in the First Person, and

and in no other Form; and that it shall and may be lawful for the Court to make and issue such general Orders as it shall think fit for abolishing or altering any Writ or Writs of Process, or any Pleading or Course of Proceeding, in Suits now pending or hereafter to be commenced in the said Court; and to make and issue such general Orders as it shall think fit for carrying the Provisions of this Act into execution, and also such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as it shall think fit and proper for simplifying, establishing, and settling the Course of Practice of the said Court and of its several Offices; and by any general Order or Orders to be made and issued from Time to Time to annul, alter, or vary any general Order or Orders which may have been so as aforesaid made and issued, and to make any new general Order or Orders for the Purposes hereinbefore mentioned, or any of them.

General Orders.

General Orders may be varied.

VII. And be it enacted, That the several Offices of the said Court shall be and continue open for the Despatch of Business upon such Days of the Year and during such Hours in the Day, and that the Officers and Clerks belonging thereto respectively shall attend in such Offices in the Discharge of their several Duties during such Times and for such Number of Hours in each Day, as the Court shall by any general Order or Orders to be issued from Time to Time direct; and that the Officers and Clerks in the said respective Offices shall give their personal Attendance in their respective Offices in the Discharge of their official Duties during the Times they shall so as aforesaid be directed to attend, unless otherwise engaged in the Business of their respective Offices, or unless prevented by Sickness or other unavoidable Cause: Provided always, that where any Office can be legally executed by Deputy, nothing herein contained, or in any Order to be made in pursuance thereof, shall be construed to confer on the Court any Power not possessed before to compel the Principal to attend in Person.

Hours of Business in the several Offices.

VIII. And be it enacted, That from and after the Commencement of this Act it shall and may be lawful to and for the Assistant Register of the said Court, and the Chief Clerk and Examiner to the Chief Remembrancer of the said Court, and the said Officers are hereby fully authorized, empowered, and directed, to take Affidavits or Affirmations, Answers, Examinations, or other Matters whatever to be put in on Oath in the Equity Side of the said Court of Exchequer and relating to the Business thereof, and to administer the necessary Oaths and Affirmations for that Purpose; and all such Answers, Oaths, Affidavits, or Affirmations shall be of the same Force, Validity, and Effect, and shall and may be filed, used, and acted upon respectively, as fully and effectually to all Intents and Purposes whatsoever, as if the same had been sworn or affirmed before the said Court or all or any of the Barons thereof.

Duties of Assistant Register, &c.

IX. And whereas by an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer, by depositing the same in the National Bank; and to prevent the forging and counterfeiting any Draft,*

Part of the Suitors Fund to be set apart as a Compensation Fund. 21 G. 3. (I.)

Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, or other Purposes, it was enacted, that all the Monies and Cash that shall be paid into and deposited in the said Bank on account of the Suitors of the said Court of Exchequer or by Order of the said Court shall be issued and payable as the Court shall direct: And whereas it hath been found that there always hath been a very large Sum of Money belonging to the Suitors of the said Court of Exchequer lying in the said Bank unproductive to the Suitors of the said Court: And whereas it is expedient that a Part of the said Money belonging to the Suitors of the said Court should be rendered productive for the Purposes herein-after mentioned; be it therefore enacted, That out of the Cash belonging to the Suitors of the said Court which now lies or hereafter may be in the Bank of *Ireland* unproductive to the Suitors a Sum of Thirty thousand Pounds, or such other and further Sum as the Court shall think fit to direct with the Sanction of the Commissioners of Her Majesty's Treasury, shall and may at any Time or Times after the passing of this Act, by any Order or Orders of the said Court, be invested, in One entire Sum or in Parcels, in such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and be placed to an Account to be intituled "An Account of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," to the Intent that the Interest and annual Profits arising from the Money so to be placed out as aforesaid may be applied for the Purposes herein-after mentioned; and it shall be lawful for the said Court from Time to Time, by any Order or Orders to be made for the Purpose, to change the Security or Securities on which the said Money shall be invested.

Produce of the Fund to be placed to the Account of the Accountant General in the Bank of Ireland.

X. And be it enacted, That the Interest and annual Produce arising from the Securities in which the said Sum shall be invested shall from Time to Time be received by the Governor and Company of the Bank of *Ireland*, and placed to the Credit of the Accountant General of the said Court, in an Account to be opened and called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," the same to be issued and applied pursuant to the Directions of this Act.

Court may direct the same to be called in.

XI. And be it enacted, That if at any Time the Whole or any Part of the said Sum so to be invested shall be wanted to answer any of the Demands of the Suitors of the said Court, then and in such Case the Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same shall be placed to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors; but it shall be lawful for the Court at any future Period to replace the Sum so called in, if enabled so to do by any new Investment or Investments of the like Nature, out of the said common and general Cash, and so from Time to Time as Occasion may require.

Surplus of Interest to be invested in Government Securities.

XII. And be it enacted, That the surplus Interest and Produce of the Monies carried to the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," beyond what shall be

sufficient to answer the Purposes of Compensation under this Act, and also the Interest produced from the Securities purchased with such surplus Interest and Produce, shall from Time to Time, by like Order or Orders of the said Court, be invested in the Purchase of Government or Parliamentary Securities, and carried to the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," the same to constitute Part of the said Fund, to be issued and applied pursuant to and according to the Directions of this Act.

Officers to make Returns of the Profits of their Office for Seven Years. 4 G. 4. c. 70.

XIII. And whereas by and under the Provisions contained in this Act and the Orders to be made in pursuance thereof the Emoluments of the present Register, Assistant Register, and other Officers of the said Court, which arise altogether from the Fees enacted and established by an Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice in the Equity Side of the Court of Exchequer in* Ireland, may be considerably diminished, and it is just and reasonable that adequate Compensation should be made in such Case to the said present Register, Assistant Register, and other Officers who hold their respective Offices under the said Act, or under Letters Patent pursuant thereto; be it therefore enacted, That every such Officer of the said Court who shall claim to be entitled to Compensation under this Act shall, within Six Calendar Months next after the Commencement of this Act, make or cause to be made out and rendered to the said Court, and also to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, an Account in Writing of the gross and net Emoluments and also of the Disbursements of his Office in each of the Seven Years next preceding the First Day of *November* One thousand eight hundred and forty-two, and shall also set forth a Particular of the several and respective Acts, Matters, and Things in respect of which any Fee or Emolument shall have been received, charged, or claimed, or, if the Court shall deem it more fitting and reasonable, and shall require him to do so, an Account of the gross and net Amount of any particular Fee or Fees of his Office which may be affected by the Provisions of this Act or by such Orders, and of the Disbursements of his Office in respect thereto, and for which Compensation may be claimed by him, the said Accounts to be verified on Oath, to be sworn in open Court; and the said Court shall thereupon ascertain, by all proper Ways and Means, the gross and net annual Value, according to a fair Average of the said Seven Years, of the said lawful Fees and Emoluments, and also the Disbursements of such Officer as aforesaid.

Officers may make an annual Return to the Court of the Profits of their Office.

XIV. And be it enacted, That it shall be lawful for every Officer claiming Compensation as herein-before mentioned, on the First Day of *Michaelmas* Term One thousand eight hundred and forty-four, and on every succeeding First Day of *Michaelmas* Term, and for One Month thereafter, in each Year respectively, so long as the said Officer shall hold his Office, to make or cause to be made out, and render to the said Court and to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, an Account in Writing for the Year preceding the said First Day of *Michaelmas* Term, to

be verified in like Manner, of the gross and net Emoluments of the said Office, and of the Disbursements thereof, or of the gross and net Amount of the said particular Fee or Fees as he shall have been ordered by the Court to account for, for the Seven Years preceding the First Day of *November* One thousand eight hundred and forty-two as herein-before provided, in such Form and with such Particulars of Receipt and otherwise as the Court shall require, and the several and respective Acts, Matters, and Things in respect of which the same shall have been received or claimed, and a Particular of all Allowances and Disbursements made thereof and Charges affecting the same in and for the Year next preceding the First Day of *Michaelmas* Term in each succeeding Year, as herein-before required; and the Court as aforesaid shall ascertain, as it shall think proper, the gross and net Income of such Office, and also the Disbursements thereof, or of such particular Fee or Fees as aforesaid, for and during the Year for which such Account shall be rendered, and the Amount of Compensation to which it shall find such Officer entitled in respect thereof for and during the said Year, and shall declare and certify to the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury the Deficiency, if any, of such net Income, after giving Credit for all the said Allowances, Disbursements, and Charges as aforesaid, from the Average of the Seven Years preceding the First Day of *November* One thousand eight hundred and forty-two so found as aforesaid; and thereupon the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall, by his or their Warrant or Warrants, order and direct such Amount to be paid to the Officer of the said Court so entitled thereto, and the same shall be paid and payable to the Officer or Officers named in such Warrant or Warrants out of the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," as far as the same will extend; and in case the said Suitors Fund shall be inadequate to the Payment of the whole Amount of Compensation to be given under this Act, the Amount of the Compensation beyond what can be satisfied out of the said Suitors Fund shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Officer or Officers named in the Warrant or Warrants of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury as aforesaid, by way of Advance in aid of the said Suitors Fund, to be repaid as herein-after mentioned: Provided always, that an Account or Accounts of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

In case of Deficiency, the Court may certify it to the Treasury.

If Fund not sufficient, the Remainder to be paid out of the Consolidated Fund.

For repaying Advances out of Consolidated Fund.

XV. Provided always, and be it enacted, That the several Sums of Money which may from Time to Time be paid and advanced out of the Consolidated Fund of the said United Kingdom, by way of Compensation under the Authority of this Act, shall become and remain a Charge in favour of the Crown against the said Account, called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*,"

Ireland," and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, whenever and so soon as the said Suitors Fund shall be relieved from the Payment of the Compensation Allowances awarded under this Act, or any Part thereof; and all such Repayments to the Credit of the said Consolidated Fund shall be made at such Times and in such Manner as the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall think proper to order and direct.

Officers swearing falsely to be guilty of Perjury.

XVI. And be it enacted, That every Officer and other Person who shall swear falsely to any Matters respecting which an Oath, either personally or in Writing, is hereby required or authorized to be made, and shall be convicted of so doing wilfully and corruptly, shall be deemed guilty of wilful and corrupt Perjury, and shall suffer the Pain and Penalty of that Offence.

If Officer dies or resigns during the Year, his Executors to make Returns.

XVII. And be it enacted, That in case any Officer of the said Court entitled to Compensation under this Act shall die or resign or be dismissed from his Office or Employment before the Termination of any Year, the Executors or Administrators of the Person so dying, or the Person himself so resigning or dismissed, shall render such Account as aforesaid for such Part of the Year during which the Person so dying or resigning or dismissed shall have held such Office or Employment, and shall be entitled to claim and receive such Sum, proportioned to that Part of the Year during which such Person shall have held his said Office, as the said Court shall deem just and proper.

Court may refer Accounts of Officers to Chief Remembrancer.

XVIII. And be it enacted, That it shall be lawful to and for the said Court, if it shall see fit, to refer any Account rendered by any Officer seeking Compensation under this Act to the Chief Remembrancer of the said Court, to examine into and report on the same, and to ascertain any Average or other Sum which may be ascertained or certified under this Act; and such Chief Remembrancer shall accordingly examine and inquire into the Amount so referred to him, and the Truth and Accuracy thereof, and perform in respect thereto all other Duties directed by the Court; and he shall have on every such Reference all Powers of examining Witnesses on Oath or otherwise as he possesses on any other Reference or Inquiry which by Law or by the Practice of the said Court it is competent to him to enter into.

Act not to prevent Dismissal of Officers.

XIX. And be it enacted, That nothing herein contained shall be construed to prevent any Person now holding any Office or Employment or that shall hereafter hold any Office or Employment in the said Court from being dismissed therefrom as if this Act had not been made, or to give him any greater or other Interest in such Office or Employment than he might have lawfully claimed or exercised if this Act had not been passed.

Officers hereafter appointed not to be entitled to Compensation.

XX. And be it enacted, That no Person who after the passing of this Act shall be appointed to any Office or Employment in or belonging to the said Court shall be deemed entitled to prefer any Claims for or to obtain any Compensation in respect of any Alteration of any Kind whatsoever which shall be made by lawful Authority in

in the Constitution, Process, Practice, Pleadings, or other Proceedings, or in the Constitution, Duties, or Emoluments of any of the Offices or Employments in the said Court.

Certain Acts exempted from Operation of this Act.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall annul or vary the Provisions of an Act of the Seventh Year of King *George* the Second relating to *Ireland*, intituled *An Act for the Relief of Mortgagees, and for making the Process in Courts of Equity more effectual against Mortgagers who abscond and cannot be served therewith, and against Persons who, being served, refuse to appear, and also for better regulating the Payment of the Fees of Attorneys and Solicitors*; or of an Act of the Twenty-eighth Year of the Reign of King *George* the Third relating to *Ireland*, intituled *An Act for the better securing of Purchasers of Lands under Decrees in Courts of Equity*; or of an Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in* England *and* Ireland *respectively*; or of an Act of the Fourth and Fifth Years of His said late Majesty, intituled *An Act to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in* England *and* Ireland; or of an Act of the First Year of the Reign of His said late Majesty, intituled *An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases*; or of another Act of the First Year of the Reign of His said late Majesty, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind*; or of an Act of the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills* pro confesso, *in* Ireland; or of another Act of the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to extend to* Ireland *certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled 'An Act for consolidating and amending the Laws relating to Property belonging to 'Infants, Femes Covert, Lunatics, and Persons of unsound Mind,'* or any of them, except so far as they are inconsistent with any of the Provisions of this Act.

7 G. 2. (I.)

28 G. 3. (I.)

2 & 3 W. 4. c. 33.

4 & 5 W. 4. c. 82.

11 G. 4. & 1 W. 4. c. 60.

11 G. 4. & 1 W. 4. c. 65.

5 & 6 W. 4. c. 16.

5 & 6 W. 4. c. 17.

Commencement of Act.

XXII. And be it enacted, That this Act and the several Provisions therein contained, except where otherwise specially directed, shall commence and take effect from the First Day of *Michaelmas* Term One thousand eight hundred and forty-three.

Act may be altered this Session.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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imposed or adjudged by any Justice or Justices within the Police District of *Dublin* Metropolis, shall be and the same are hereby repealed, save and except as to any Act, Matter, or Thing heretofore done by virtue thereof, and also save and except as to any Fines, Penalties, Deodands, Amerciaments, Recognizances, and Issues which may or shall have been imposed, estreated, or levied at any Time previous to the passing of this Act, all which Fines, Penalties, Deodands, Amerciaments, Recognizances, and Issues shall be imposed, estreated, or levied, paid, accounted for, and applied in like Manner, and all which Acts, Matters, and Things shall be good, valid, and effectual to all Intents and Purposes as if this Act had not been passed.

Entries of all Fines, &c. to be made by Officers of Courts and others in a Book to be kept for the Purpose.

II. And be it enacted, That when and as often as any Fine, Penalty on summary Conviction or otherwise, Deodand, or Amerciament shall hereafter be imposed or adjudged by any Court in *Ireland*, or by any Coroner or Justices or Justice of the Peace or public Officer empowered to impose the same, and as often as any Recognizance shall be forfeited and ordered to be estreated, or any Issues shall be directed to be levied in or by any such Court or Authority, the Clerk of the Crown, Judges Register, Clerk of the Peace, Town Clerk, or other Officer of such Court, or the Person whose Duty it is to attend and make Entries of the Proceedings thereof, or if there be no such Officer, then the Person imposing or adjudging such Fine, Penalty, Deodand, or Amerciament, or ordering such Recognizance to be estreated or Issues to be levied, shall forthwith enter the same in a Book to be by him kept for the Purpose in the Form in the Schedule (A.) to this Act annexed: Provided always, that all Fines imposed by any Justices or Justice of the Peace on summary Conviction out of Petty Sessions shall be entered in the Form aforesaid by the Clerk of the Petty Sessions to which the same shall have been reported, pursuant to the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland.

Fines imposed out of Petty Sessions shall be entered by Clerk of Petty Sessions.

7 & 8 G. 4. c. 67.

List of Entries and Warrants to be sent within One Month to County Inspector of the Constabulary Force, or, in Dublin to Metropolitan Commissioners.

III. And be it enacted, That every Officer or Person bound to make any such Entry or Entries as aforesaid, saving and except the Divisional Justices of the Police District of *Dublin* Metropolis and the Clerks at their Offices, shall, within One Calendar Month after he shall have made the same, make out in the like Form and sign a List thereof, excluding any Fines which shall have been imposed on Persons for not having attended as Jurors in any Court, and which last-mentioned Fines are to be levied as herein-after directed, and shall forthwith transmit the said List to the County Inspector of the Constabulary Force acting for the County or Place wherein such Fines, Penalties, Deodands, or Amerciaments shall respectively be imposed, or Recognizances estreated, or Issues to be leviable, or in any Case arising within the Police District of *Dublin* Metropolis, saving as aforesaid a Case before the said Divisional Justices, then to the Commissioners of Police for the said District; and together with each such List the Officer or Person transmitting the same shall transmit the proper several and respective Warrants, of himself or the other Authority competent to make and issue the same, for the Levy and Recovery of the respective Sums for which the Recognizances

mentioned in such List shall be respectively ordered to be estreated, or the respective Amounts of the Fines, Penalties, Deodands, Amerciaments, or Issues mentioned therein, or the Amount thereof then remaining unpaid, as the Case may be, commanding the County Inspector or Commissioners to whom the same may be addressed forthwith to levy on the Body or Goods of the Person or Persons against whom such several Warrants respectively shall issue, as is usual in the Recovery of forfeited Recognizances, the respective Sums mentioned in such Warrants; and such County Inspector or Commissioners, and all Sub-Inspectors, Head or other Constables, or Sub-Constables or Policemen whom the said County Inspector or Commissioners may empower or direct so to do, by Endorsement on the said several Warrants, with his and their Assistants, are hereby required and authorized to execute the same accordingly, in the Manner and with all the Powers now authorized and given by Law for levying forfeited Recognizances; and there shall be a Schedule annexed to every such Warrant, in which shall be given the Name and Description of the Person, Corporation, Fund, or Institution, if any, to whom or to which any Sum or Portion of a Sum to be levied by virtue thereof shall be payable.

Lists to be certified.

IV. And be it enacted, That every List to be transmitted by the Clerk of any Petty Sessions as aforesaid shall be authenticated by a Certificate at the Foot thereof, under the Hands of One or more of the Justices at such Petty Sessions, setting forth that they have compared the same with the original Entries to which it refers, and that the same is correct; and all Warrants to be transmitted by any such Clerk of Petty Sessions, together with each such List, shall be signed by One or more Justices.

When Imprisonment is directed in default of Payment the Warrant shall direct accordingly.

V. Provided always, and be it enacted, That in case it shall have been directed and adjudged at the Time of the Imposition of any such Fine, Penalty, or Amerciament as aforesaid, or it shall have been provided by any Act or Acts under which such Fine, Penalty, or Amerciament shall have been imposed, that the Person liable thereto or on whom the same shall have been imposed as aforesaid shall, in default of Payment thereof, be imprisoned for a Period of Time fixed at the Time of such Imposition or by such Act or Acts as aforesaid, then and in every such Case such Warrants shall respectively command such County Inspector respectively, or such Commissioners, in default of the Payment of such Fine, Penalty, or Amerciament, to take the Body of the Person liable thereto or on whom the same shall be imposed, and to convey him to the Common Gaol or House of Correction, there to remain, and, if so adjudged, to be kept to hard Labour, until the Expiration of the Time fixed for such Imprisonment as aforesaid; and such Warrant may be executed according to the Manner and by the Person aforesaid.

Proviso for Cases where Justices may issue their Warrant immediately.

VI. Provided always, and be it enacted, That in any Case in which any Justice or Justices of the Peace is or are now by Law authorized to issue his or their Warrant for the Levy of any Penalty or the Committal of any Person immediately or on Conviction had before him or them, or within any Period less than the said Period of One Calendar Month, every such Justice or Justices may issue such

such Warrant accordingly to such County Inspector or Commissioners, or to any Sub-Inspector or Head Constable, if it shall seem expedient to him or them so to do, but subject, as to the Distribution of and accounting for all Sums levied thereunder, to all the Provisions of this Act: Provided also, that in any Case arising within the Police District of *Dublin* Metropolis it shall and may be lawful for the Divisional Justices to issue their Warrants to the Superintendents, Inspectors, or Serjeants, being Constables of Police for the said District, and their Assistants, for the Levy of any Penalty or the Committal of any Person in like Manner as before the passing of this Act, and that all such Warrants shall be considered to be Warrants issued under this Act.

Warrants to be executed from Time to Time till the whole be levied, and a Return of all Lists, &c. to be made to Chief Remembrancer by County Inspector and Commissioners.

VII. And be it enacted, That every such Warrant as aforesaid shall remain in full Force and Effect, and Proceedings thereon may be taken from Time to Time without any Renewal thereof, until the full Amount of the Sums thereby directed to be levied shall be fully paid or otherwise discharged by due Course of Law; and every such County Inspector as aforesaid and the said Commissioners is and are hereby required, at least once in every Year, or oftener if so required by the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland*, to furnish to him, in such Manner and Form and at such Times as the said Chief Remembrancer shall direct, a Return of all Lists and Warrants transmitted to such Inspector or to the said Commissioners as aforesaid, together with a Statement of what has been done thereupon respectively.

If Appeal made, Warrants may be suspended until after final Decision.

VIII. Provided always, and be it enacted, That if any Appeal shall have been duly made pursuant to Law in that Behalf from the Decision, Rule, Order, or other Proceeding imposing any such Fines, Penalties, Deodands, or Amerciaments, or estreating such Recognizances, or directing such Issues to be levied, or any Proceeding shall have been taken by due Course of Law to quash or annul such Decision, Rule, or Order, or other Proceeding, it shall and may be lawful for such Officers or Persons as aforesaid, and they are hereby respectively required, to suspend the issuing or Transmission of such Warrants until such Appeal or other Proceeding shall be finally decided.

Warrant to be suspended on Parties entering into Security that Application for Reduction of Fine will be made

IX. Provided also, and be it enacted, That if any Person against whom any such Warrant shall be issued shall think fit to apply, in the Manner herein-after directed, for the Reduction or Remission of the Sum thereby directed to be levied, such Person shall give before any Magistrate attending at the Petty Sessions of the District in which such Person shall reside, or if in *Dublin* before any Divisional Magistrate of Police, Security by Recognizance, at the Expence of such Person, with Two sufficient Sureties, in double the Amount of such Sum, and shall lodge with the County Inspector or Commissioners to whom such Warrant may have been transmitted a Certificate under the Hand and Seal of the Magistrate by whom such Security was taken, and which Certificate any such Magistrate is hereby required to give as aforesaid, that such Person has given such Security as aforesaid, together with a Notice in Writing that he will apply for such Reduction or Remission as herein-after directed; and such County Inspector or Commissioners aforesaid shall,

shall, upon receiving such Certificate and Notice as aforesaid, forthwith suspend the Execution of such Warrant, and the Proceedings for the Levy of such Fine, Penalty, Deodand, Amerciament, Issues, or forfeited Recognizance shall be suspended until such Appeal shall have been finally decided.

Application for Reduction of Fine, &c., may be made to Court or to Quarter Sessions, and there heard.

X. And be it enacted, That it shall and may be lawful for any Person upon whom any Fine, Penalty, Amerciament, or Deodand shall be imposed, or from whom Issues or forfeited Recognizances are ordered to be levied or estreated, to apply for the Reduction or Remission thereof by Petition to the Court of Assize which shall be held next after such Fine, Penalty, Amerciament, or Deodand shall be imposed or Issues or Recognizances shall be ordered to be levied, if such Fine, Penalty, Issues, or forfeited Recognizances was or were directed to be levied at a Court of Assize, or to one of Her Majesty's Superior Courts at *Dublin* if imposed or directed by a Superior Court, or in case such Fine, Penalty, Deodand, Issues, or forfeited Recognizances was or were imposed or directed at any other Court, or by any Coroner or other such Person as aforesaid, then to the Court of Quarter Sessions which shall be held next after such Security shall be given in the County, County of a City or Town, in which the same shall have been so imposed or directed, and the Judges of the said Superior Court, Judge of Assize, or Assistant Barrister or Recorder or Chairman at the said Court, or Court of Quarter Sessions, as the Case may be, shall and is hereby authorized and empowered to hear the Matter of the said Petition, and to examine into the Merits thereof, and to make such Order therein for reducing or wholly remitting such Fine or Penalty, Deodand, Issues, or forfeited Recognizances, as to him or them may seem fit, or for confirming the same; and in all Cases where the Court to which Application for the Reduction or Remission of any Fine, Penalty, Deodand, Amerciament imposed, or forfeited Recognizance or Issues directed to be estreated or levied shall have been made shall pronounce or make any Rule, Judgment, or Order thereon, the Clerk of the Rules of every such Court, Clerk of the Peace, or Clerk of the Crown, as the Case may be, shall thereupon forthwith make out and deliver a Copy of such Order to the County Inspector or to the said Commissioners, who shall, on the Receipt of such Order, either refrain from the Execution of such Warrant, or, in case such Order shall direct any Sum of Money to be levied, cause the said Order to be endorsed on the Warrant previously made out or issued, and shall proceed in the Execution of such Warrant according as shall be directed by the Order so endorsed thereon.

Order of Court thereupon to be delivered to County Inspector, &c.

No Appeal to be hereby given where not allowed by the Law under which the Fine, &c. is imposed; nor the Lord Lieutenant or Commissioners of

XI. Provided always, and be it enacted, That nothing herein contained shall entitle any Person to such Right of Appeal as aforesaid in any Case of summary Conviction, or in any Case where the Fine or Penalty is imposed or levied by the Authority of any Court of Petty Sessions, unless an Appeal is given by the Law under which such Fine or Penalty is inflicted; and provided also, that nothing in this Act contained shall be deemed in any way to limit or restrain the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or Her Majesty's Commissioners of Excise, or any Justices of the Peace, from reducing or remitting any Fine, Penalty, Deodand, Amerciament,

Excise, &c. restrained from reducing a Fine.

Amerciament, forfeited Recognizance, or Issues directed to be estreated or levied which by Law he or they may be in any way authorized or empowered to reduce or remit.

Where Persons are out of Jurisdiction of the County Inspector or Commissioner, Warrants in aid to issue to the Inspectors of any other County or to Commissioners of Police, within whose Jurisdiction the Parties may be.

XII. And be it enacted, That in all Cases where the Person against whom any original Warrant shall issue under this Act shall reside, or have fled or removed from or be out of the Jurisdiction of the County Inspector or Commissioners, as the Case may be, to whom such original Warrant shall be issued, and shall have no Goods or Chattels therein, it shall be lawful for the Inspector General of the said Constabulary Force, or for either of the Deputies to the said Inspector General, or for either of the Provincial Inspectors of the said Force, or for either of the said Commissioners, as the Case may be, to issue his Warrant in aid to any County Inspector of the Constabulary Force for the County in which such Person shall then reside or be, or have Goods or Chattels, reciting the original Warrant issued against such Person as aforesaid, and requiring the County Inspector to whom such Warrant in aid shall be addressed, or such Sub-Inspector, or head or other Constable, as he shall by Endorsement upon such Warrant in aid empower in that Behalf, to levy the Amount thereof off the Person or Goods of such Person as aforesaid, and to pay or remit the Amount to be levied by virtue thereof to the County Inspector (naming him), or to the said Commissioners, as the Case may be, to whom the said original Warrant was directed: Provided always, that if the Person against whom it shall be necessary to issue such Warrant in aid shall be resident in or have Goods within the said Police District of *Dublin* Metropolis, the same shall be addressed to the said Commissioners, who shall cause the same to be executed by such Constable of the said District as they shall authorize by Endorsement thereupon to execute the same, and they shall cause the Amount to be paid over to the County Inspector to whom the said original Warrant shall have issued as aforesaid; and the said Commissioners, and every County Inspector to whom any such Warrant in aid shall have been directed, shall, within Three Months after the Receipt thereof, return what they shall have done in Execution thereof to the County Inspector to whom the original Warrant shall have been issued.

Money received by Persons authorized to levy or receive, to be certified and paid to Inspectors, &c. within One Month.

XIII. And be it enacted, That the respective Officers of every Court, and every Sheriff or Gaoler, or other Officer or Person who by virtue of any Right or Authority whatsoever shall levy or receive the Amount or any Part of the Amount of any Fine, Deodand, Amerciament, Recognizance, or Penalty, shall certify and pay every Sum so levied or received, within One Calendar Month thereafter, to the said Commissioners, or to the County Inspector, Sub-Inspector, or Head Constable of the District within which he shall have received the same, and shall annex to his Certificate a Schedule in which shall be given the Name and Description of any Person, Corporation, Fund, or Institution to whom or to which every such Sum or any Portion thereof may be payable.

Inspectors, &c. to pay Amount due to Informers,

XIV. And be it enacted, That the said Commissioners, and every such County Inspector, Sub-Inspector, and Head Constable as aforesaid, shall, out of the several Sums which shall be levied or received by

by them or him under any original Warrant as aforesaid, pay, at any Time after they or he shall have levied or received the same, to the Person, Corporation, Fund, or Institution entitled thereto, any Sum or Sums payable thereout, according to the Schedule attached to any Warrant which shall be received by such Commissioners, County Inspector, Sub-Inspector, or Head Constable as aforesaid.

&c., as per Schedule.

XV. And be it enacted, That the said County Inspectors, Sub-Inspectors, and Head Constables respectively shall, on or before the Fifth of each Month, transmit the several Sums which shall be levied and received by them, or shall after such Payments as aforesaid remain in their Hands respectively within the previous Month, under the Provisions of this Act, to the Paymaster of the Constabulary Force for their respective Districts; and every such County Inspector, Sub-Inspector, or Head Constable is hereby required, on Payment of such Monies, to furnish to the said Paymaster a Statement under his Hand, in the Form in the Schedule (B.) to this Act annexed, showing the full Amount so levied or received by him under or on account of any such Warrant, and what Payments (if any) were made by him thereout, and for what Purpose such Payments were made, and to whom and at what Time each such Payment was made; and each such County Inspector, Sub-Inspector, and Head Constable is hereby required to furnish to such Paymaster, for every such Payment, a written Receipt or Voucher, signed by the Person to whom such Payment shall be made.

Inspector, &c. on Fifth of the Month to pay over Amount received or levied, together with a Statement, to the Paymaster.

XVI. And be it enacted, That every such Paymaster shall keep a separate and distinct Account of all Monies received by him from each such County Inspector, Sub-Inspector, or Head Constable as aforesaid, under the Provisions of this Act, and shall carry the Amount of all Rewards or Fines to or upon any Member of the said Constabulary Force to the Credit of the Reward Fund of the said Force, and shall on the First *Monday* in every Month lodge the Residue of the Sums so received within the preceding Month in the Bank of *Ireland*, or in some Branch Bank thereof, to the Credit of the Receiver of the Constabulary Force of *Ireland*, in an Account to be intituled "The Counties Fines and Penalties Account;" and the Amount received from each Sub-Inspector or Head Constable shall be distinguished in the said Account; and every such Paymaster shall transmit to the said Receiver at the same Time a Statement in Writing of each such Lodgment to his Credit, specifying the Sum paid in in respect of each Sub-Inspector or Head Constable as aforesaid.

Paymaster to keep separate Accounts; to pay Amounts due to Constabulary Reward Fund, and Residue into Bank to the Credit of Receiver of the Force.

XVII. And be it enacted, That every such Paymaster as aforesaid shall make out half-yearly, for each County, an Account of all Monies by him received as aforesaid, and of all Sums of Money paid or applied by him thereout for that County in pursuance of this Act, and shall transmit it to the Secretary of the Grand Jury, to be by him laid before the Special Road Sessions next preceding each Assizes.

Paymaster to make out and transmit half-yearly Accounts to Secretary of Grand Jury.

XVIII. And be it enacted, That the said Commissioners shall, on or before the Fifth of each Month, pay all Sums by them received under or by virtue of any original Warrants issued to them as aforesaid,

Commissioners of Police and Divisional

Justices of Dublin District to pay to Credit of Receiver of that Force.

said, or as shall remain in their Hands after such Payments as aforesaid within the previous Month, into the Bank of *Ireland*, to the Credit of the Receiver of the Metropolitan Police District, in an Account to be intituled "The *Dublin* Fines and Penalties Account;" and the Divisional Justices of the Police District of *Dublin* Metropolis shall in like Manner, on or before the Fifth of each Month, pay into the said Bank to the Credit of the said Account all Sums levied under or by virtue of any Warrant issued by them under the Provisions of the herein-before recited Act of the Second and Third Years of Her present Majesty's Reign, or any other Act or Acts, or as shall remain in their Hands after such Payments as they may have made thereout within the previous Month; and on Payment of such Monies the said Commissioners and Divisional Justices respectively shall furnish to the said Receiver a Statement under their Hands, in the Form in the said Schedule (B.), showing the full Amount so levied or received by them under or on account of any such Warrant, and what Payments, if any, were made by them thereout, and for what Purpose such Payments were made, and to whom and at what Time each such Payment was made, and shall for every such Payment furnish a written Receipt or Voucher, signed by the Person to whom such Payment shall be made.

Paymaster and Commissioners to furnish the Chief Remembrancer with an Account of Monies received or paid by them.

XIX. And be it enacted, That every such Paymaster as aforesaid and the said Commissioners and Divisional Justices shall make out and transmit to the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland*, once in each Year at the least, or oftener if he shall so direct, and at such Time or Times and in such Manner and Form as the said Chief Remembrancer shall from Time to Time direct or require, an Account of all Monies by him or them received as aforesaid, and of all Sums of Money paid or applied by him or them thereout, with the Date of every Lodgment by him or them made as aforesaid.

Receivers to furnish Accounts of Monies lodged to their Credit.

XX. And be it enacted, That each of the said Receivers shall furnish to the said Chief Remembrancer, once in every Year at the least, or oftener if he shall so require, and at such Time and Times and in such Form and Forms as the said Chief Remembrancer shall direct, an Account of all Sums lodged to the Credit of such Receiver in pursuance of this Act, and of the Application thereof.

Chief Remembrancer to audit Accounts in like Manner as Sheiff's Accounts are audited by 5 & 6 W. 4. c. 55.

XXI. And be it enacted, That the said Chief Remembrancer shall from Time to Time examine, audit, and declare the Accounts furnished to him as aforesaid, and shall have all such Power, Authority, and Jurisdiction with respect to the said Accounts, and to the Examination of all Persons with respect to any Matters relating thereto, and for enforcing the Payment of any Balances which may appear due thereupon, and in proceeding in any way under this Act, as are given to him touching Sheriffs Accounts by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in* Ireland; *and*

and to amend the Laws relating to Grants in Custodiam and Recovery of Debts in Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the Public Accounts of* Great Britain; and an Abstract of such Accounts for the Year next preceding, classified according to Counties, Cities, and Boroughs, shall, after their final Audit, be laid before both Houses of Parliament before the Thirty-first Day of *March* in each Year.

Chief Remembrancer to issue Warrant from Time to Time to Inspectors, &c. for Recovery of Fines and Balances, who shall make Return thereto.

XXII. And be it enacted, That it shall and may be lawful for the said Chief Remembrancer from Time to Time to issue a Warrant or Warrants under his Hand and Seal to all such County Inspectors or Sub-Inspectors as aforesaid, and to the said Commissioners and Divisional Justices, commanding them severally and respectively to levy or cause to be levied, in the Manner herein-before directed with respect to the Warrants herein-before mentioned, all such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, and Deodands payable to Her Majesty, Her Heirs and Successors, as the said Chief Remembrancer is now empowered to levy and enforce by any Process whatsoever, and also to levy all such Balances as shall appear to be due on Foot of any Account or Accounts which shall be submitted to such Chief Remembrancer under and by virtue of this Act; and such County Inspectors or Sub-Inspectors, and Commissioners, and Divisional Justices are hereby required, within such Time after the Receipt of such Warrant or Warrants as the said Chief Remembrancer shall in and by the same direct, return to such Chief Remembrancer what they shall have respectively done in execution thereon; and the said Chief Remembrancer is hereby authorized and empowered to issue from Time to Time to such County Inspectors or Sub-Inspectors, or Commissioners and Divisional Justices, such Warrants as aforesaid, or Renewals thereof, for the Recovery of the Balances due on the said Warrants respectively, until the full Amount of the Sums thereby directed to be levied shall be fully paid or otherwise discharged by due Course of Law; and all such Sum or Sums as shall be paid to or levied by any such County Inspector or Sub-Inspectors as aforesaid shall be paid through the said Paymasters into the Bank of *Ireland* aforesaid, to the Credit of the said Fines and Penalties Fund Account; and all Sums so levied by the said Commissioners and Divisional Justices shall be by them paid to the Credit of the said *Dublin* Fines and Penalties Account; and no Process shall issue after the passing of this Act to any Sheriff to levy any of the said Monies, or any Sum authorized to be levied under the Provisions of this Act, save as herein-after provided.

Payment of Sums levied.

No Process to issue to Sheriff.

Sub-Inspectors and Constables to transmit a Report monthly to County Inspectors and Commissioners.

XXIII. And be it enacted, That each of the said respective Sub-Inspectors and Head Constables, and each Constable who may be employed to execute any such Warrant as aforesaid by any County Inspector, or by the said Commissioners or Divisional Justices, shall transmit a Report, once in each Month, to the County Inspector of his District, or to the said Commissioners or Divisional Justices, as the Case may be, of what he shall have done in execution of any such Warrant, and a Statement of all Sums levied, received, or paid

to or by him under or on account of any such Warrant as aforesaid, and of all Monies yet to be levied by virtue thereof.

Officers and others engaged in the Execution of this Act to furnish to the Chief Remembrancer Returns of Sums received or levied by them.

XXIV. And be it enacted, That all Officers and Persons bound to make such Entries as aforesaid, or to issue or execute any such Warrant as aforesaid, or who shall have received the Amount of any such Fines, Penalties, Amerciaments, forfeited Recognizances, Deodands, or Issues as aforesaid, or any Monies on account thereof, shall, whenever required by the said Chief Remembrancer, transmit to him, in such Form, and at such Times, and verified in such Manner as he shall direct, a true and correct Account of all Fines, Penalties, Amerciaments, forfeited Recognizances, Deodands, and Issues imposed, inflicted, levied, or received or paid by them within such particular Period as the Chief Remembrancer aforesaid shall require, together with the Name of the Person from whom the same was received, and to whom the same was paid.

Enforcement of Money overheld.

XXV. And be it enacted, That if any Officer or other Person who shall have levied or received, for or on account of any Recognizance which shall be ordered to be estreated or Issues which shall be directed to be levied, any Sum of Money whatsoever, and shall not have duly accounted and paid over the same in the Manner and Form and within the Times prescribed by this Act, it shall be lawful for the said Chief Remembrancer, upon Complaint made thereof to him, to order the Money so held over to be forthwith paid to the Officer or Person entitled to receive the same, or to refer the Matter of such Complaint, by any Writing under his Hand, to any Two Justices of the County in which the Person against whom such Complaint shall be made shall reside; and it shall be lawful for such Justices to adjudicate thereupon, and they shall have such Powers for compelling the Attendance of Parties or Witnesses before them, and of examining such Parties or Witnesses upon Oath, as any Justice or Justices of the Peace now possess by Law touching any Matter in, to, or upon which they are authorized to inquire or adjudicate; and any Order made by the said Chief Remembrancer or of such Two Justices may be enforced by the Warrant of the said Chief Remembrancer or the said Justices against the Person or Goods of the Party against whom such Order shall be made, and such Warrant shall be executed in like Manner as any other Warrant to be issued under this Act as aforesaid.

Penalty for Neglect or making false Returns or Entries.

XXVI. And be it enacted, That if any such Officer or Person bound to make such Entry as aforesaid shall neglect so to do or shall make an untrue Entry, or if any such Officer or Person, other than and except the said Divisional Justices and the Clerks at their Offices, shall neglect to transmit to such County Inspector as aforesaid or to the said Commissioners of Police such respective Lists as aforesaid, or if any such List shall be untrue or incorrect, or if any Officer or Person bound to pay any Monies over as aforesaid to any County Inspector or Sub-Inspector or Head Constable, or to the said Commissioners, or to the said Paymasters, or to issue or execute any such Warrant as aforesaid, or to render such Accounts or Statements as aforesaid to the Chief Remembrancer, shall neglect so to do, the Chief Remembrancer aforesaid may and he is hereby authorized, in addition

to any other Penalty or Punishment to which such Officer or Person may in Law be liable, to set a Fine upon every such Officer or Person so making default, not exceeding Ten Pounds, for every such Neglect or Misconduct, upon Proof thereof made before the said Chief Remembrancer in *Dublin*, or before any Justice or Justices of the Peace who shall be authorized by the said Chief Remembrancer, by any Writing under his Hand, to examine into the same, such Fine to be levied, paid, accounted for, and applied in like Manner as any other Fine ought to be levied, paid, and accounted for under the Provisions aforesaid.

In case of Illness, &c. of County Inspector or Commissioner, his Deputy or Successor to act.

XXVII. And be it enacted, That in case of the Death, Illness, Removal, or Absence of any County Inspector or Commissioner of Police, it shall be lawful to and for such Deputy or Successor as shall be duly authorized *pro tempore* to perform the several Duties of such County Inspector or Commissioner, and such Deputy or Successor is hereby required, to perform and do all such Act and Acts, Duty and Duties, as such County Inspector or Commissioner is or are authorized or might be required to do in the Execution of this Act.

Sub-Inspector, &c. authorized to sell without a Licence.

XXVIII. And be it enacted, That either of the said Commissioners or Divisional Justices, or any County Inspector or Sub-Inspector, or Head Constable or Constable, empowered to levy any Sum of Money under this Act, may and he is hereby authorized to sell or cause to be sold by Auction any Distress and Distresses levied by him or by his Authority under the Provisions of this Act, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred by him in effecting the same, to be approved of and certified by the Justices at Petty Sessions; and no such Distress or Distresses so sold shall be subject to any Auction Duty.

Justices may order Twenty Shillings Costs on summary Conviction.

XXIX. And be it enacted, That it shall and may be lawful for any Justice or Justices of the Peace, when adjudicating on any Case in a summary Way under any Statute now in force or hereafter to be passed authorizing summary Convictions, to direct and order the Person preferring any Charge or Complaint, or the Person against whom any such Charge or Complaint shall be made, to pay any Sum not exceeding Twenty Shillings for the Costs and Charges to which any such Party, Complainant or Defendant, may appear in the Judgment of such Justices to be reasonably entitled, and any such Sum so directed to be paid by any Defendant shall be over and above and in addition to any Fine or Penalty to which he may be liable; and such Sum so adjudged to be paid for Costs, if not paid forthwith, shall be levied in the same Manner as other Fines and Penalties levied under this Act; and the Commissioners, County Inspector or Sub-Inspector, or Constable by whom the Warrant for the levying of the same shall be executed, or to whom the same shall be paid, shall pay the Amount of such Costs to the Complainant or Defendant to whom the same shall be adjudged.

Recognizances to keep the

XXX. Provided always, and be it enacted, That from and after the passing of this Act all Recognizances entered into by any Person

Peace to be transmitted to the Clerk of the Peace within Fourteen Days.

Person before any Tribunal, Justice or Justices of the Peace, having Authority to receive and take the same, conditioned that such Person shall keep the Peace to Her Majesty's Subjects or to any particular Person named therein, or to both, according to the Condition of such Recognizance, shall, within Fourteen Days after the same shall be so acknowledged, taken, and entered into, be returned or transmitted to the Clerk of the Peace of the County, County of a City or County of a Town, wherein such Recognizance or Recognizances shall be so acknowledged and taken.

On Breach of the Peace, Assistant Barrister, &c., on Proof, may order Levy of Recognizance so forfeited.

XXXI. And be it enacted, That in case any Person who shall enter into such Recognizance or Recognizances as aforesaid shall commit any Breach of the Peace, or in any Manner violate the Condition of such Recognizance or Recognizances, that then and in such Case it shall be lawful to and for the several Assistant Barristers, Recorders of Cities or Boroughs in *Ireland*, and for the Chairman of the County of *Dublin*, upon Conviction of such Person for any Offence that shall be a Breach of the Condition of the said Recognizance, (such Conviction to be proved by the Production of a Certificate thereof signed and attested by the proper Officer in that Behalf, or by Proof to be made before such Assistant Barrister or Recorder or Chairman that the Person or Persons so bound by Recognizance had committed a Breach of the Peace,) to order that such Recognizance and Recognizances shall be forfeited to such Amount as such Assistant Barrister, Recorder, or Chairman shall think fit, and to direct Warrants to levy the Amount of such forfeited Recognizances to be issued in like Manner as other Fines and Penalties are directed to be levied by this Act: Provided always, that Proof shall be first made on Oath before such Assistant Barrister or Recorder or Chairman that Notice in Writing has been given to or left at the usual Place or Places of Abode of the Party, or each of the Parties, if there be more than One, against whom it is sought to put such Recognizance in force, Six Days at the least before the Commencement of the Sessions at which such Application is or shall be made; and such Notice shall state in Substance the Cause or Matter on which it is intended to sustain the Application.

Proof of Notice to be first given.

Fines upon Jurors to be estreated, and returned to Chief Remembrancer, who shall cause Process to issue for levy thereof.

XXXII. And be it enacted, That all Fines which shall hereafter be imposed upon any Persons for not attending to serve as Jurors in any Court in *Ireland* shall be estreated and returned to the said Chief Remembrancer in such Manner and Form and at such Times as he shall direct; and it shall be lawful for him to cause Process to issue for having the same levied by the Sheriff of the proper County or County of a City or Town, and the same shall be accounted for before him by such Sheriff accordingly; and the Amount shall be paid by every such Sheriff, other than the Sheriff of the City of *Dublin*, into the Bank of *Ireland*, to the Credit of the said Receiver of the said Constabulary Force in the "Counties Fines and Penalties Account," and by the Sheriff of the said City of *Dublin* into the said Bank, to the Credit of the said Receiver of the Police District of *Dublin* in the "*Dublin* Fines and Penalties Account": Provided always, that such Fine may be reduced or discharged in like Manner as before the passing of the said Act.

XXXIII. And

Appropriation of Sums paid to the Credit of the Receivers.

XXXIII. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland*, so long as the Hereditary Revenues of the Crown shall not be payable and paid to Her Majesty, Her Heirs and Successors, by any Order or Orders to be by him from Time to Time made for that Purpose, by and with the Advice of Her Majesty's Privy Council there, to charge the Monies arising under the Provisions of this Act to the Credit of the said Receivers respectively, in such Proportions as he may think proper, with the Payment of any Costs, Charges, or Expences which may be incurred in the carrying of this present Act into execution, or which shall have been incurred in carrying the herein-before first recited Act into execution; and to direct that the surplus Monies remaining to the Credit of the said Two several Accounts, and not already appropriated by any Act or Acts to any special Purpose, shall, in the Case of the *Dublin* Fines and Penalties Account, be applied towards defraying the Expences of the Police Establishment of the said District, and shall in the Case of the Counties Fines and Penalties Account be carried to the Credit of the several Counties from which the same shall have been received, in proportion to the Amount received from each, and shall be applied in Diminution of the Charge to which such County or District shall be liable for the Moiety or Proportion payable by it of the Expences of the Constabulary Force employed therein: Provided always, that it shall be lawful for the said Lord Lieutenant, by and with such Advice as aforesaid, to rescind or vary any Order so made by him, and to make any new or other Order instead thereof that he may deem necessary or expedient; and provided also, that no such Distribution shall be made at any Time after Her Majesty's Heirs and Successors shall have resumed Possession of the Hereditary Revenues of the Crown.

Act not to extend to Revenue Fines.

XXXIV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to extend to any Fine, Penalty, or Forfeiture incurred by or imposed upon any Person whatsoever in *Ireland* under any Act or Acts relating to the Revenues of Customs, or Excise, or Stamps, or Post Office respectively, or to the suing for, mitigating, levying, recovering, or distributing any such Fine, Penalty, or Forfeiture, but that all and every such Fines, Penalties, and Forfeitures shall be sued for, mitigated, levied, and recovered, and distributed, under the Powers, Provisions, Authorities, and Directions of the several Acts relating to the said Revenues respectively, and under and by the same Persons, Ways, and Means, and in the same Manner in every respect as if this Act had not been passed: Provided also, that nothing in this Act contained shall extend to any Fines or Penalties incurred or imposed under any Act or Acts relating to the Laws for the Preservation of Game or relating to Loan Societies in *Ireland*.

Schedules to be taken as Part of the Act, with Power to Lord Lieutenant to alter.

XXXV. And be it enacted, That the Schedules to this Act annexed, and every thing therein contained, shall be deemed and taken to be Part thereof: Provided always, that it shall be lawful for the said Lord Lieutenant in Council to vary or alter any of the Forms given therein, and from Time to Time to prescribe any other Form or Forms instead thereof that he may think proper.

One Commissioner of Dublin Metropolis may act.

XXXVI. And be it enacted, That it shall be lawful for any one of the said Commissioners of the Police District of *Dublin* Metropolis to do any Act whatever which the said Commissioners are hereby authorized or required to do as aforesaid.

Receipts not to be subject to Stamps.

XXXVII. And be it enacted, That no Receipt, Voucher, Document, or Instrument, whether required to be given, made, or provided in pursuance of the Provisions of this Act, shall be subject to or chargeable with any Stamp Duty whatsoever.

Interpretation of Act.

XXXVIII. And be it enacted, That in the Construction of this Act, unless there be something in the Context repugnant thereto, the Expression "Police District" shall be understood to signify the Police District of *Dublin* Metropolis; and the Expression "Commissioners of Police" shall be understood to signify the Justices of the Peace for the Police District of *Dublin* Metropolis, appointed under the Authority of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*; and the Expressions "Divisional Justice or Divisional Justices" shall be understood to signify a Divisional Justice or Divisional Justices of the Police District of *Dublin* Metropolis; and the Expression "Lord Lieutenant" shall be understood to signify any Lord Justice, or other Chief Governor or Governors of *Ireland* for the Time being; and that all Enactments herein contained concerning the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland* shall be taken to apply either to such Chief Remembrancer or to such other Officer whom the Commissioners of Her Majesty's Treasury shall appoint to execute the Duties of the Chief Remembrancer; and that all Acts, Matters, and Things by this Act authorized or required to be done by or in relation to any Justices at Petty Sessions shall and may, in the County of the City of *Dublin*, and within the Police District of *Dublin* Metropolis, be done by or in relation to the Divisional Justices at their Offices, and shall and may, in any other Place not included within any Petty Sessions District, be done by or in relation to any Two or more Justices of the Peace acting in and for such Place; and that any Word denoting the Singular Number or the Male Sex shall be taken to extend to any Number of Persons or Things and to both Sexes.

6 & 7 W. 4. c. 29.

Section 107 of 5 & 6 Vict. c. 106. repealed.

XXXIX. And be it enacted, That so much of an Act passed in the last Session of Parliament, intituled *An Act to regulate the* Irish *Fisheries*, as requires that a Return or Report shall be made by the Clerks of the several Petty Sessions Courts in *Ireland* to the Commissioners appointed under the last-mentioned Act of the Names of all Persons prosecuted and convicted under the Provisions thereof, shall be and the same is hereby repealed.

Act may be altered this Session

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

LIST of FINES, &c. transmitted to by , pursuant to the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in Ireland, and for the Appropriation thereof."

N°.	Name and Description of Person fined.	Residence, Parish, and Townland.	Offences, and Act under which Fine, &c. is imposed.	Date of imposing Fine, &c. or Recognizance estreated, or Issues directed to be levied.	Name of Court, Justice, or other Person imposing Fine, &c.	Amount of Fine, &c. imposed or ordered.	Amount of Costs awarded (if any).	Name, Description, and Residence of Person to whom Costs are awarded.	Portion of Fine, &c. awarded to Informer or Prosecutor.	Name, Description, and Residence of Informer or Prosecutor.	Amount payable to any Public Body (if any).	Name of Public Body, &c. to which any Fine, or Portion of Fine, &c. is payable.	Term of Imprisonment, with or without hard Labour, awarded in default of Payment.	Amount of any Fine paid into Court, or to Petty Sessions Clerk, Sheriff, or other Person.	How disposed of, and to whom paid.	Remarks.

Given under my Hand, at , this Day of One thousand eight hundred and forty-

[CERTIFICATE to be added if List is transmitted by Clerk of Petty Sessions:—

We, Two of Her Majesty's Justices attending at the Petty Sessions at , do certify under our respective Hands that we have compared the above List with the Book of Entries, and find the same to be correct.]

SCHEDULE (B.)

RETURN of FINES, PENALTIES, &c. received or levied by between the Day of and the Day of 18 .

Number of List received from Clerk of Crown, Peace, or Petty Sessions, or Number of Abstract.	Name of Person in Warrant.	Date of Warrant, and by whom issued.	Amount of Fines, &c. including Costs.	Amount received or levied thereout.	From whom received.	Costs received and paid.	To whom paid, Description and Residence.	Amount paid to Informer or Prosecutor.	Name, Description, and Residence of Informer.	Amount of Fine remitted or credited to Paymaster or Commissioner.	Portion payable to Reward Fund.	Date when remitted or credited.	Whether committed in default of Payment, and to what Gaol, and for what Period.	REMARKS. State why any Fine, &c. or Balance of Fine, &c. has not been levied or received.

I hereby certify the foregoing to be a true and correct Return of all Fines and Penalties, &c. received or levied by me, and of the Appropriation of the same.

Dated at , this Day of 18 .

County Inspector or Sub-Inspector, or Commissioner.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

CAP. LVII.

An Act to relieve Bishops succeeding to Bishoprics by Operation of the Act to alter and amend the Laws relating to the Temporalities of the Church in *Ireland* from certain Liabilities.

[17th *August* 1843.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland, and it was by the said Act enacted, that the Bishopric of *Waterford*, then void, should from and after the passing of the said Act, and the other Bishoprics named in the First Column of the Schedule (B.) to the said Act annexed should when and as the same might severally become void, be thenceforth united to and held together with the Bishopric or Archbishopric mentioned in conjunction therewith respectively in the Second Column of the said Schedule (B.), and that the Archbishops or Bishops of the Archbishopries or Bishopries in such Second Column named should, at such Times respectively as before mentioned, be and become by virtue of the said Act, and without further Grant, Installation, or Ceremony whatsoever, Bishops respectively of the said Bishopries named in such First Column in conjunction therewith; 3 & 4 W. 4. c. 37.

with; and it was by the said Act provided, that if any Bishopric mentioned in the Second Column of the said Schedule (B.) should become void before the Union of such Bishopric with the Bishopric mentioned in the First Column of the said Schedule, then the Bishop of the Bishopric mentioned in the First Column should become by virtue of the said Act, and without further Grant, Installation, or Ceremony whatever, Bishop of the Bishopric in such Second Column named in conjunction therewith; and it was by the same Act provided and enacted, that all and singular the Lands, Tenements, and Hereditaments respectively belonging or in anywise appertaining to the Bishoprics in the First Column of the said Schedule (B.) named, together with all and singular the Tithes, Rents, and Emoluments whatsoever to such Bishoprics respectively appertaining or belonging, should in the Case of the Bishop of *Waterford* from and after the passing of the said Act, and in the Case of the other Bishoprics in the said Schedule (B.) mentioned should from and after the Times when such Bishoprics should become respectively void or united to any other Bishopric as aforesaid, be and the same were thereby transferred to and vested in the Ecclesiastical Commissioners for *Ireland* and their Successors for ever, nevertheless for the Purposes therein mentioned; and it was by the same Act further provided and enacted, that the said Ecclesiastical Commissioners should, from and out of the Revenues of each Bishopric in the First Column of the said Schedule mentioned, when and as the same should become vested in them, make good to the Bishop thereof becoming, by virtue of the Provision therein-before contained, Bishop of the Bishopric mentioned in conjunction therewith in the Second Column of the said Schedule the Sum or Sums of Money (if any) whereby the Revenues of such Bishopric in such Second Column mentioned should fall short of the Revenues of such Bishopric in such First Column mentioned; but no Provision is made by the said recited Act in respect of any Charges legally affecting any Bishopric in the Second Column of the said Schedule named at the Time of such Transfer as aforesaid: And whereas, by and under the herein-before recited Provisions of the said Act, the Bishopric of *Elphin* upon the Decease of the late Doctor *George De la Poer Beresford* Bishop of *Kilmore* and *Ardagh* became united to the Bishopric of *Kilmore*, and Doctor *John Leslie*, being at the Time when the said Bishopries became united as aforesaid Bishop of *Elphin*, has under the said recited Provisions become and now is the Bishop of the said united Bishoprics of *Kilmore*, *Elphin*, and *Ardagh*: And whereas the Representatives of the said Doctor *George De la Poer Beresford* are entitled to a Charge upon the Ecclesiastical Revenues of the said Bishopric of *Kilmore*, being One of the Bishoprics named in the Second Column of the said Schedule (B.), to the Amount of Thirteen thousand seven hundred and sixty Pounds Sixteen Shillings and Eight-pence, under and by virtue of a certain Certificate under the Hand and Seal of his Grace the Archbishop of *Armagh*, and duly entered at large in the Registry of the Archdiocese of *Armagh*, pursuant to the several Acts in that Case made and provided: And whereas upon the said Union of the said Bishopries all and singular the Lands, Tenements, and Hereditaments, and all and singular the Tithes, Rents, and Emoluments appertaining or belonging to the said Bishopric of *Elphin* were by virtue of the said Act transferred

ferred to and vested in the Ecclesiastical Commissioners for *Ireland*, and the said Ecclesiastical Commissioners became bound by the said Act from and out of the Revenues of the said Bishopric of *Elphin* to make good to the said Doctor *John Leslie*, as Bishop of the united Bishoprics of *Kilmore*, *Elphin*, and *Ardagh*, the Sum of Money whereby the Revenues of the said Bishopric of *Kilmore* fall short of the Revenues of the said Bishopric of *Elphin*, but in default of any Provision being made by the said Act as aforesaid in respect of the said Charge the said Revenues of the said Bishopric of *Kilmore*, now vested in the said Doctor *John Leslie*, remain subject thereto: And whereas the said Doctor *John Leslie* has already paid to the Representatives of the said late Doctor *George Delapoer Beresford* One Instalment of the said Charge, and it is just and reasonable that he shall be indemnified for the same, and for all such further Payments as he shall hereafter make on account of the said Charge; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Representatives of the said Doctor *George de la Poer Beresford* shall and they are hereby declared to be entitled to receive and recover from or against the said Doctor *John Leslie*, or the Revenues of the said Bishopric of *Kilmore*, the said Sum of Thirteen thousand seven hundred and sixty Pounds Sixteen Shillings and Eight-pence, or the Residue thereof remaining unpaid, in like Manner, and in such Proportions, and by such Instalments, and by all and the like Ways and Means as they would have been entitled to receive or recover the same from or against the said Doctor *John Leslie* or the Revenues of the said Bishopric, in case he had by any other Means than as aforesaid become the next Successor of the said Doctor *George de la Poer Beresford* in the said Bishopric of *Kilmore*.

The present Bishop of the united Sees of Kilmore, Elphin, and Ardagh shall pay the Charge on Kilmore.

II. And be it enacted, That the said Ecclesiastical Commissioners shall and they are hereby authorized and required to pay to the said Doctor *John Leslie* or his Representatives, out of the Revenues of the said See of *Elphin* so vested in them as aforesaid, Interest at and after the Rate of Five Pounds *per Centum per Annum* upon the said Sum of Thirteen thousand seven hundred and sixty Pounds Sixteen Shillings and Eight-pence, or upon so much and such Part and Parts thereof as hath or have been or shall or may hereafter be paid by the said Doctor *John Leslie* or his Representatives to the Representatives of the said Doctor *George de la Poer Beresford*, such Interest to be computed from the Day or respective Days at or upon which such Payment or Payments hath or have been or shall or may hereafter be made to the Representatives of the said Doctor *George de la Poer Beresford*, inclusive of the Day or respective Days of Payment thereof, and to be paid half-yearly, and to be and continue payable to the said Doctor *John Leslie* or his Representatives up to and until the Day or respective Days at or upon which the said Doctor *John Leslie* or his Representatives shall be entitled to recover such Payment respectively from the next or any subsequent Successor of the said Doctor *John Leslie* in the said united Bishopries of *Kilmore*, *Elphin*, and *Ardagh*, together with a proportionable Part of such Interest up to

The Ecclesiastical Commissioners shall pay the Interest on the Charge during the Incumbency of the present Bishop.

to such Day or respective Days, in case the same shall happen to be on any other Day than one of the said half-yearly Days of Payment.

The Bishop or his Representatives shall recover the Principal of the Charge from his next or subsequent Successor.

III. And be it enacted, That it shall be lawful for the said Doctor *John Leslie* or his Representatives to raise, levy, and recover from the next or any subsequent Successor of him the said Doctor *John Leslie* in the said united Bishopries of *Kilmore*, *Elphin*, and *Ardagh* the said Sum of Thirteen thousand seven hundred and sixty Pounds Sixteen Shillings and Eight-pence, or such Instalment or Instalments thereof as he shall have paid as aforesaid, in such Proportions or Instalments, and by such Ways and Means, and in the same Manner to all Intents and Purposes as the Representatives of the said late Doctor *George de la Poer Beresford* could by Law have raised, levied, and recovered the same from or against his immediate or subsequent Successor, or the Revenues of the said Bishopric of *Kilmore*, if the said Doctor *George de la Poer Beresford* had survived the said Doctor *John Leslie*, and the said Doctor *John Leslie* had not become Bishop of the said united Bishoprics.

No Bishop succeeding to any Bishopric united by the Operation of the said Act shall be taken to be a Successor therein so as to make him liable to the Tax on Spiritual Persons succeeding to Ecclesiastical Dignities or Preferments under recited Act.

IV. And whereas Doubts have arisen whether the said Doctor *John Leslie* as Bishop of the united Bishopries of *Kilmore*, *Elphin*, and *Ardagh*, and other the Bishops who at the Time of the passing of the said recited Act were Bishops of the several Bishopries mentioned in the said Schedule (B.) to the same Act annexed, and for the Union of which Bishopries respectively Provision was made thereby, are not after such Union liable to the Tax chargeable by the same Act: And whereas it was not intended by the said recited Act that the said Doctor *John Leslie* and other the Bishops aforesaid should be subjected to any pecuniary Loss or Charge by reason of such Union; be it therefore enacted and declared, That neither the Income of the said Doctor *John Leslie* nor of any such other Bishops aforesaid being or becoming the Bishop or Bishops of any Bishopries united by force and operation of the said recited Act is or are or shall be, during his or their Incumbency or respective Incumbencies of such united Bishopries, liable for the Payment of the said Tax or Rate or Assessment chargeable under the Provisions of the said recited Act, nor are, is, or shall be bound or called upon to make the Returns required by the same Act for the Purpose of enabling the said Commissioners to compute and impose the same Tax or Rate or Assessment.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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or executed by any Two of them, and the same shall be as valid and effectual as if done or executed by all the said Commissioners.

Commissioners may purchase Lands, which, when purchased, are to be vested in the Commissioners in Trust for Her Majesty.

II. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, at any Time or Times and from Time to Time, to contract for and purchase any Lands within the United Kingdom of *Great Britain* and *Ireland*, and any subsisting Estates, Leases, Terms, Shares, and Interests therein, which they may consider requisite for the Public Service of their Department; and that all Lands so purchased by them shall be and become vested in the said Commissioners for the Time being in Trust for Her Majesty, Her Heirs and Successors, for the Public Service, to the Intent and so that the same may remain vested in the said Commissioners for the Time being in the same Manner and for the same Purposes and be subject to the same Powers as the Lands mentioned or referred to in the Act passed in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments*, are vested in them under or by virtue of the same Act.

2 & 3 W. 4. c. 40.

Commissioners may enter upon Lands for the Purpose of surveying and valuing them.

III. And be it enacted, That it shall be lawful for the said Commissioners, and for their Surveyor or Surveyors, Officers, and Workmen, at any Time or Times during the Day, upon giving Seven Days Notice in Writing for the first Time, and afterwards from Time to Time Forty-eight Hours Notice in Writing, such respective Notices to be given either to the Owner or the Occupier of the Lands in question, or to be left at the same Lands, to enter into and upon any Lands within the United Kingdom of *Great Britain* and *Ireland* for the Purpose of surveying and valuing the same Lands, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon the said Lands or any Part or Parts thereof for the Purposes aforesaid: Provided always, that nothing in this Act contained shall extend to authorize the said Commissioners or any Person acting under them to enter upon or to take without the Consent of the Owner any Land which shall not be situated within Seven hundred Yards from the Boundary of the Naval Establishment under the Control of the said Commissioners at *Woolwich*, *Sheerness*, *Chatham*, *Portsmouth*, *Gosport*, *Devonport*, and *Pembroke*: Provided also, that the Powers to purchase and convey under this Act shall cease and determine at the Expiration of Seven Years from the Date of the passing of this Act: Provided also, that all Land which shall be taken under the Authority of this Act shall, after the same shall have been so taken, remain and be liable to the Assessment to the Land Tax in the same Manner as it would have been liable had it not been so taken, notwithstanding the Occupation thereof for public Purposes.

Powers to Persons having qua-

IV. And be it enacted, That it shall be lawful for all Persons, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on

behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or beyond the Seas, and also for all Tenants for Life or for Years absolute or determinable on any Life or Lives or otherwise, and all Persons having any other Description of partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting and selling, and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, Administrators, and Issue of such Wards, Wives, or Persons respectively, and for all Femes Covert entitled in their own Right to any such Lands, or to Dower or other Interest therein, on behalf not only of themselves but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail, or for Years absolute or determinable on any Life or Lives or otherwise, or shall have any other Description of partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for the Sale, and have sold the same Lands or any of them, and for all and every other Persons and Person whomsoever who are, is, or shall be seised or possessed of or interested in all or any of the said Lands, or entitled to any subsisting Estates, Leases, Terms, Shares, and Interests therein, which the said Commissioners shall think necessary for the Public Service, to contract and agree with the said Commissioners for the absolute Sale to them of all or any of the said Lands, and all Estates and Interests therein, and to convey the same and the Fee Simple thereof to the said Commissioners for such Compensation, Equivalent, or Satisfaction in Money or Lands, or any Estate or Interest in Lands, or partly in Money and partly in Lands, or any Estate or Interest in Lands, as to the contracting Parties shall seem expedient and reasonable; and all Contracts, Agreements, Acts, Conveyances, and Deeds which shall be made or executed by such contracting, selling, and conveying Persons as aforesaid shall be as valid and effectual as if such Persons were the absolute Owners and seised in Fee Simple of the Lands so conveyed by them respectively; and such Persons are hereby indemnified for or in respect of any such Sale which they shall respectively make by virtue or in pursuance of this Act.

lified Interests to sell

V. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to give in exchange for any Lands to be taken for the Purposes of this Act any Lands in the same Parish belonging

Commissioners may exchange Lands with

other Public Departments.

belonging to Her Majesty, although vested in any other Department of Her Majesty's Government, with the previous Consent of that Department, notwithstanding any thing contained in an Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second, intituled *An Act for vesting certain Messuages, Lands, Tenements, and Hereditaments for the better securing His Majesty's Docks, Ships, and Stores at* Portsmouth, Chatham, *and* Plymouth, *and for the better fortifying the Town of* Portsmouth *and Citadel at* Plymouth, *in Trustees for certain Uses; and for other Purposes therein mentioned*, or in any other Act whatsoever.

31 G. 2. c. 39.

Compensation may be received for Lands, &c., and in case of Dispute shall be settled by a Jury.

VI. And be it enacted, That all Persons herein-before capacitated to contract for and sell and convey any such Lands as aforesaid, and any Owner or Owners thereof or of any Share or Interest therein or Charge thereon, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Persons, Owner or Owners, and also any Tenant or Tenants or other Occupier or Occupiers of any such Land entitled to any Compensation for Tenants Fixtures, or for any Good-will or Improvements, or for any Injury or Damage which shall be sustained on account of the Execution of this Act or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners; and in case the said Commissioners and the Parties interested in such Lands or Fixtures, Good-will or Improvements, or sustaining any such Injury or Damage as aforesaid, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Before the Expiration of Three Months after Notice by the Commissioners of their Intention to purchase, all Parties interested to send in a Statement of their Claim.

VII. And be it enacted, That before the Expiration of Three Calendar Months next after Notice in Writing from the said Commissioners for the Time being or their Secretary, or from their Agent duly authorized, of the Intention to purchase, take, or use any Lands for the Purposes of this Act, shall have been given to the Persons hereby or otherwise capacitated to sell, or to their Officer or Agent, or to the Person who shall be the Owner of such Lands, or, in case he cannot be found or ascertained, left at his usual or last known Place of Abode, or with the Tenant or Occupier of the same Lands, or shall be affixed upon the same Premises, (and for the Purposes of this Act any Person hereby capacitated or otherwise enabled to sell shall be held to be the Owner of such Lands,) all Owners and other Persons seised, possessed of, or interested in or authorized by this Act or otherwise to accept and receive Satisfaction or Recompence for the Value of the same Lands, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Good-will or Improvements, or for Fixtures, or for Injury or Damage sustained on account of the Execution of this Act or in anywise relating thereto, shall deliver or cause to be delivered to the said Commissioners, by leaving the same at the Admiralty, *Whitehall*, and also at the Office of the Solicitor of the Admiralty for the Time being, a Statement in Writing of the Particulars of the Estate, Share, Interest, Charge, Fixtures, Good-will,

or

or Improvements which they claim to be entitled to or to Compensation for, and of the Injury and Damage sustained by them, and of the Amount of Money which they may be willing to receive for the Sale and in Satisfaction of such their Estate, Share, and Interest, Claim, and Demand as aforesaid: Provided always, that no Lands or Hereditaments shall be taken under the Provisions of this Act without the Consent of the Owner or Owners thereof, or of some Person acting on their Behalf, unless the Expediency of taking the same shall be first declared in Writing under the Hands of Two of the said Commissioners.

In Cases of Refusal to treat or Parties not agreeing on Compensation, &c. the Commissioners may authorize the Sheriff to summon a Jury to determine the Value.

VIII. And be it enacted, That if any Person hereby or otherwise capacitated to sell Lands so required by the said Commissioners, or interested in any Share or Shares, Estate or Estates therein, or Charge or Charges thereon, or in any Good-will, Improvements, or Fixtures, or Damages, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners for the Sale and Disposal of their respective Estates and Interests therein, or the respective Estates and Interests which they are hereby respectively capacitated to sell, or for Compensation for any such Good-will, Improvements, Fixtures, or Damages as aforesaid, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in possession of or to the Interest they shall claim, to the Satisfaction of the said Commissioners, or shall, by reason of any Impediment or Disability not provided for by this Act, be incapable of effectually making such Agreement or Sale thereof, or in any other Case where Agreement for Compensation for any Good-will, Improvements, or Fixtures, or for Damages incurred in the Execution of this Act, cannot be made, or if the said Commissioners shall not be apprized to their entire Satisfaction who is the Person entitled or by this Act capacitated to sell, then and in every or any such Case the said Commissioners are hereby authorized at any Time or Times and from Time to Time to issue a Warrant under their Hands to the Sheriff or Sheriff Depute of the County, Stewartry, City, or Place in which the Lands required for the Purposes of this Act may be situate, requiring him to summon, return, and impannel, and the said Sheriff or Sheriff Depute is hereby accordingly empowered and required to summon, return, and impannel, a Jury of not less than Twenty-four sufficient and indifferent Men, qualified according to Law to serve on Special Juries, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland*, according to the Situation of the Lands required; and the Persons so to be summoned, returned, and impannelled are hereby required to appear before the said Sheriff, or his Under Sheriff or Sheriff Depute, at such Time and Place within the said County, Stewartry, City, or Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of the Persons so to be summoned, returned, and impannelled, or out of such of them as shall appear, a Jury of Twelve Men shall be impannelled by the said Sheriff, Under Sheriff, or Sheriff Depute, or by some Person to be by One of them appointed, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array;

and the said Sheriff, Under Sheriff, or Sheriff Depute is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question; and such Sheriff, Under Sheriff, or Sheriff Depute respectively shall order and cause the said Jury to view the Places in question if there be Occasion, and shall and may use all such other lawful Ways and Means, as well for his own as for the Jury's better Information, as shall be requisite in the Premises; and such Jury shall, upon their Oaths, or upon such Affirmations as the Law has substituted or may substitute for an Oath in certain Cases, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff, Under Sheriff, or Sheriff Depute is hereby empowered and required to administer and receive,) inquire of and assess and give a Verdict for the true and real Value or Amount of the Estates or Interests, Good-will, Improvements, Fixtures, or Damages which may be the Occasion or Subject of such Inquiry; and the Jury, in assessing the Value of such Estates, Interests, Good-will, Improvements, Fixtures, or Damages, shall take into their Consideration any such prospective Value thereof as the Owner or Party interested therein can prove would have accrued to him if the said Property had remained in the Possession of such Owner or Party, and the said Sheriff, Under Sheriff, or Sheriff Depute shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation; which said Verdict and the Judgment thereon to be pronounced as aforesaid shall be binding and conclusive to all Intents and Purposes upon all Persons whomsoever: Provided always, that not less than Twenty-eight Days Notice in Writing of the Time and Place at which any such Jury are so required to be returned shall be given by or on the Part of the said Commissioners; and every such Notice is to be affixed upon one of the Doors of the Church or of some other public Building of the Parish or Place in which such Lands may be situate, and is also to be left at the Dwelling House of the Owner or of his Agent, or with some Tenant or Occupier of the Lands intended to be valued, or respecting which, or the Good-will, Improvements, or Fixtures of which, or any Damage to which any such Question shall arise, or by affixing the Notice on some Part of such Premises; and provided also, that no Person shall be summoned or chosen to be on such Jury who shall be an Owner of any Lands the Value of which is to be ascertained, or who shall in any Manner be interested in any of the Matters to be inquired of by such Jury.

If not a sufficient Attendance of Jury the Sheriff may adjourn.

IX. And be it enacted, That in case a sufficient Jury to take the Inquisition shall not appear upon the Return of the said Warrant, it shall be lawful for the said Sheriff, Under Sheriff, or Sheriff Depute, and he is hereby required, from Time to Time until a sufficient Jury shall have been obtained by the Means aforesaid, to adjourn the Inquiry to any future Day not exceeding Fourteen Days nor less than Four Days from the Adjournment thereof; and when a sufficient Number of Jurors shall appear he shall proceed to swear and impannel Twelve of them, who shall thereupon inquire as aforesaid.

X. And

No Party to be heard without having sent in a Statement of his Claim.

X. And be it enacted, That no Person shall be heard before the said Sheriff, Under Sheriff, or Sheriff Depute and Jury touching the Matter of the Inquiry, unless such a Statement as herein-before mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners and to the Solicitor of the Admiralty for the Time being by and on behalf of such Person, within Three Calendar Months after such Notice in Writing of its being the Intention of the said Commissioners to purchase and take such Lands; and all Persons who shall not give such Statement within such Period as last aforesaid or shall not appear at any Inquisition shall, as well as all other Persons, be bound by such Verdict and Judgment as aforesaid.

Jury may apportion the Value of the different Interests.

XI. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Lands, the Jury shall, if required so to do by or on the Behalf of the said Commissioners, apportion and divide the Value so ascertained according to the different Estates, Interests, and Charges in and upon the said Lands; and such Apportionment shall, in respect to Value, be binding upon all Persons whomsoever.

In Cases of Parties not appearing the Sheriff may proceed.

XII. And be it enacted, That in case any Person shall not appear pursuant to such Notice so to be given or affixed as aforesaid, or any Person shall appear who shall not have given the Particulars of his Claim as herein-before required, then the said Sheriff, Under Sheriff, or Sheriff Depute and also the said Jury shall proceed, upon the best Information they can procure or obtain, to make such Inquest and Judgment as herein-before directed.

Penalty for Default of Sheriff, Witness, &c.

XIII. And be it enacted, That if the Sheriff, Under Sheriff, or Sheriff Depute so directed to summon, return, and impannel a Jury and take such Inquest as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds, to be recovered in *England*, *Scotland*, or *Ireland* as Debts due to Her Majesty are recoverable in those respective Countries; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or legally affirmed or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not duly appear, or appearing shall refuse to be examined upon Oath or upon legal Affirmation, or to give Evidence, any and every Person so offending, having no reasonable Excuse which may be allowed by the Justice next herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, which shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of Her Majesty's Justices of the Peace, by Distress and Sale of the Goods and Chattels of any Person so offending, returning to such Person the Overplus (if any) after such Penalty and the Charges of such Distress and Sale shall have been deducted; and it shall be lawful for such Justice to summon before him the Party complained against, and on such Summons

Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual, and have the same Effect, to all Intents and Purposes, as if an Information in Writing or in Print had been exhibited.

Penalty on Witnesses giving false Evidence.

XIV. And be it enacted, That all Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, either on Oath or Affirmation, before any Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall be deemed to be guilty of Perjury, and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are or shall be by the Laws in force subject and liable to.

Inquisitions to be deposited with the Clerk of the Peace.

XV. And be it enacted, That all Inquisitions, Verdicts, and Judgments which shall be taken or given under this Act shall be deposited with the Clerk of the Peace of the County or with the Sheriff Clerk of the County in which the Lands being the Subject of Dispute shall be situate, to be kept and preserved by him amongst the Records of the same County, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or Copies thereof certified by such Clerk of the Peace or Sheriff Clerk for the Time being, shall be allowed to be good and conclusive Evidence in all Courts and Proceedings whatsoever; and all Persons shall have Liberty to inspect the same, paying for every such Inspection the Sum of One Shilling, and to take or make Copies thereof or Extracts therefrom, paying for every Copy or Extract made by the Clerk of the Peace or Sheriff Clerk, with his Certificate thereon, after the Rate of Sixpence for every One hundred Words.

Parties dissatisfied may appeal.

XVI. Provided always, and be it enacted, That if either the said Commissioners or any Person interested in the Lands or Premises to be taken in pursuance of this Act shall be dissatisfied with the Verdict of such Jury, it shall be lawful for them, if the Premises be in *England* to appeal to the Court of Exchequer at *Westminster*, and if in *Ireland* to the Court of Exchequer at *Dublin*, in the Term next, and if in *Scotland* within Fourteen Days after the finding of any such Verdict to the Court of Session in Time of Session, or to the Lord Ordinary on the Bills in the Time of Vacation, and to suggest that they have Reason to be dissatisfied with such Verdict, the Party dissatisfied giving Notice to the other Party of such intended Appeal; and thereupon, in *England* or *Ireland*, the Proceedings which have been had and the Verdict of the Jury shall be returned into the said Courts of Exchequer respectively; and, if it shall appear proper to the Court to which the Return shall be made, such Suggestion shall be entered on the Proceedings, and a Writ shall thereupon, by Rule of Court or Order of any Judge of such

Court, be issued to the Sheriff of the County wherein such Lands or other Premises shall be, or if the same shall lie in Two Counties to the Sheriff of either of such Counties, to summon either a Common or Special Jury (according to the Application that shall have been made in that Behalf, and as the Court or such Judge shall allow), who shall respectively be qualified according to Law, to appear before the Justice or Justices of Assize or Nisi Prius of that County at the next Assizes or Sittings of Nisi Prius, if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sittings; and the Compensation to be paid for the Purchase or Possession of the Lands and Premises in question (as the Case shall be) shall at such Assizes or Sittings be ascertained by such Jury, in like Manner as any Damages may be inquired of upon any Inquisition or Inquiry of Damages by any Jury before any Judge of Assize or Nisi Prius, and the Verdict of such Jury shall be returned to the said Court of Exchequer, and shall, as between the Parties, be final and conclusive; and in *Scotland*, if it shall appear proper to the said Court of Session or Lord Ordinary, upon such Application, so to do, the said Court or Lord Ordinary shall order the Sheriff of the County wherein such Lands, Buildings, or other Hereditaments shall lie, or if the same shall lie in Two Counties to the Sheriff of either of such Counties, to summon another Jury, in the Manner in which Juries are summoned in *Scotland*, properly qualified according to Law, to appear before the Lords or Lord of Justiciary at the next Circuit, if the same shall not happen sooner than Twenty-one Days after such Application, otherwise at the next succeeding Circuit; and the Compensation as aforesaid for the Premises in question shall at such Circuit be ascertained by a Jury drawn from the Jury summoned as aforesaid, in such Manner as Juries are drawn in *Scotland*, under the Direction of the said Lords or Lord of Justiciary aforesaid; and the Verdict of such last-mentioned Jury shall, as between the Parties, be final and conclusive, without being subject to Review or Challenge of any Kind; and the Costs to be incurred in consequence of any such Appeal shall be in the Discretion of the Court.

Commissioners may dispose of Lands acquired by them but not wanted.

XVII. Provided always, and be it enacted, That in case the said Commissioners shall, under the Powers of this Act, acquire any Lands which shall not afterwards be wanted for the Public Service, and shall, within Sixty Years from the Time of the same having been so required, be disposed to sell the same, they shall give public Notice in the *London Gazette*, and in some one of the Newspapers of the County in which such Lands shall be situate, of their Intention to dispose of the same; and in case the Person from whom they shall have been purchased, or his Heirs, shall, within Sixty Days after such Publication, signify his Desire to repurchase the same, he shall be entitled to the Pre-emption thereof, provided he is willing to repurchase the same for a Price or upon Terms equivalent to those which the said Commissioners might otherwise obtain for the same.

Original Proprietors entitled to Pre-emption if desired within Sixty Days.

Allowances to Sheriff, Jury, and Witnesses.

XVIII. And be it enacted, That every Witness who shall be summoned to attend, and who shall attend accordingly, any Inquisition under this Act, and who shall be willing and ready to be sworn or affirmed,

affirmed, as the Case may require, shall be entitled to a pecuniary Allowance, upon the same Principle as Witnesses are paid when subpœnaed to give Evidence at any Trial in One of Her Majesty's Courts of Record at *Westminster*; and that each Juryman who shall be summoned and appear as aforesaid, and be ready and willing to be sworn or affirmed, shall be allowed his reasonable travelling Expences to and from the Place of meeting; and each Juryman who shall be sworn or affirmed shall, in addition thereto, be allowed for his Trouble and Subsistence the Sum of One Pound One Shilling for each Day's Attendance, and no more; and that the Sheriff, Under Sheriff, or Sheriff Depute, for summoning, returning, and impannelling every Jury, and taking and recording the Verdict, and the Judgment to be given thereon, shall be allowed for his Trouble the Sum of Ten Pounds and no more, and for his Subsistence the further Sum of One Pound One Shilling for each Day's Attendance, in addition to his reasonable travelling Expences to and from the Place of meeting; and if Dispute or Disputes shall arise respecting the Allowance to the Sheriff, Under Sheriff, Sheriff Depute, Juror, or Witness, the same shall be determined by any Justice of the Peace of the County, Stewartry, City, or Place in which the Lands shall be situate.

If Verdict of a Jury give a greater Recompence than was offered by the Commissioners, the Expences to be borne by the Crown; if for no more or for less, then by the Party refusing to accept the Offer.

XIX. And be it enacted, That in case any Jury to be summoned pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interest, or Property of the Person in any such Lands, or for any such Good-will, Improvements, Fixtures, Injury, or Damage as aforesaid, than shall have been agreed to be given or offered for the same in the aggregate by the said Commissioners, before the summoning and returning of such Jury, or where, by reason of Absence abroad or other Incapacity or Disability as aforesaid, or from any other Cause, there shall not be or shall not be found any Person legally capacitated to enter into any Contract with the said Commissioners on behalf of Her Majesty, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, or Sheriff Depute before whom such Claim shall have been tried or investigated, and shall be paid by the said Commissioners on behalf of Her Majesty; but in every Case in which any such Jury shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of Money which shall have been demanded as a Recompence, Compensation, or Satisfaction has been computed and made up, did not give sufficient Particulars to enable the said Commissioners to make a proper Offer to such Claimant or Claimants, unless such Claimant or Claimants shall prove to the Satisfaction of the Jury that he, she, or they were not and could not be in possession of such additional Information at the Time the Particulars referred to were furnished to the said Commissioners; and in every Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to or offered by the said Commissioners in the aggregate for the same before the summoning and returning

returning of the said Jury; or in case no Damages or less Damages than those offered by the said Commissioners shall be given by the Verdict where the Dispute is for Damages only; or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Person whomsoever who is by the Provisions of this Act or otherwise legally empowered to treat; then all such Costs, Charges, and Expences, to be settled by such Sheriff, Under Sheriff, or Sheriff Depute in manner aforesaid, shall be paid to the said Commissioners on behalf of Her Majesty by the said Person so claiming or entitled to such Recompence, Compensation, or Satisfaction, or refusing to treat and agree, as before mentioned respectively; and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners on behalf of Her Majesty shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money (if any) shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money or no sufficient Sum of Money shall be awarded or assessed to be paid by the said Commissioners on behalf of Her Majesty whereout such Costs, Charges, and Expences can be deducted, then the same or the Remainder thereof shall and may be recovered by virtue of any Warrant of any One of Her Majesty's Justices of the Peace for the County, Stewartry, City, or Place in which the Person liable to such Costs or his Goods shall be found, (which Justice is hereby authorized and directed to issue the same whenever and as often as applied for by the said Commissioners,) and by Distress and Sale of the Goods and Chattels of the Person liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences and the Charge of such Distress and Sale shall have been deducted.

Commissioners may require Proof in support of Claims of Lessees.

XX. And be it enacted, That in all Cases in which any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands intended to be taken or used by the Authority of this Act, under or by virtue of any Demise or Lease or Agreement for a Demise or Lease or Grant thereof, the said Commissioners are hereby authorized to require such Person to produce or show the Document in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power; and if such Document, or such best Evidence thereof as aforesaid, shall not be produced and shown to the said Commissioners or their Agents within Twenty-one Days after Demand made by the said Commissioners or any Person by them authorized, the Person claiming such Satisfaction or Compensation shall be considered and treated as Tenant at Will.

Differences respecting Amount of Damage

XXI. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners and Occupiers

done in execution of the Act not exceeding 50*l.* to be determined by Two Justices.

piers of the Lands to be taken or used for the Purposes of this Act or any other Person whomsoever as to the Amount or Value of the Damages done by the said Commissioners, their Engineers, Officers, Agents, Servants, or Workmen, to any Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by any Two or more Justices of the Peace, and who, upon Application made to them by both or either of the said Parties, shall examine into the Matters in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners on behalf of Her Majesty; and such Justices may administer Oaths and Affirmations, and summon and examine Witnesses, in all respects, and with the same Consequences as to false swearing or affirming, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Purchase Money to be paid by Commissioners to the Party or into the Bank of England on a clear Title being shown.

XXII. And be it enacted, That every Sum of Money to be agreed upon or assessed as aforesaid for the Purchase of any Lands which may be required by the said Commissioners, or of any Estate or Interest therein, or for any Recompence, Compensation, or Satisfaction as herein mentioned (except as herein otherwise provided), shall be paid by the said Commissioners either to the Person thereunto entitled or into the Bank of *England*, as herein-after mentioned (as the Case may require), on a clear Title to the Lands, Estate, or Interest in respect of which the same shall be payable being adduced and shown to the Satisfaction of the said Commissioners or of their Counsel.

Purchase Money payable to Persons incapacitated, &c. if exceeding 20*l.*

XXIII. And be it enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any of the Lands to be taken or used by the said Commissioners by virtue of the Powers of this Act, or any Estate or Interest therein, or for any Recompence, Compensation, or Satisfaction under this Act which any Person, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or any Person or Persons whose Lands so taken are limited in strict or other Settlement, or any Person or Persons under any other Disability or Incapacity shall be entitled unto, interested in, or hereby capacitated to sell; or in case the Lands or Interest for the Purchase whereof the same shall be agreed or assessed to be paid shall be subject to or charged or chargeable with any Incumbrances, Liabilities, Claims, or Demands which cannot or shall not be ascertained, got in, paid off, or discharged; such Money shall, in case the same shall exceed the Sum of Twenty Pounds, with all convenient Speed be paid, together with the Interest payable in respect of the same (if any), into the Bank of *England*, with the Privity of the Accountant General of Her Majesty's High Court of Chancery in *England* (for whose Certificate to be granted in that Behalf the Direction or Request of the said Commissioners shall be a sufficient Warrant), to be placed to his Account there "*ex parte* the Commis-

Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Endorsements thereon, and likewise Endorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering Charges of the Office of the Accountant General of the said Court;* and such Money shall, when so paid in, there remain until the same shall, by Order of the said Court made in a summary Way upon Petition or Motion to be presented or made to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance which affected the Lands in respect whereof such Sum shall have been paid, or affecting other Lands settled to the same or the like Uses, Trusts, Intents, or Purposes as the Lands purchased by the said Commissioners were settled or subject to at the Time of such Purchase, and which the said Court of Chancery shall authorize to be so purchased, redeemed, or discharged; or where such Money or any Part thereof shall not be so applied, then the same, or such unapplied Part thereof, shall be laid out and invested, upon the like Application and under the like Direction and Approbation of the said Court of Chancery, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands in respect whereof such Purchase Money, Compensation, or Satisfaction shall have been paid were settled or limited, or such of them as at the Time of the Conveyance and Settlement of the Lands so to be purchased shall be existing undetermined and capable of taking effect; and in the meantime and until such Application or Purchase be made the said Money may, by Order of the said Court of Chancery, upon like Application thereto, be invested by the said Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Annuities; and in the meantime, and until such Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends or Interest thereof shall from Time to Time be paid, by Order of the same Court, to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so hereby authorized by the Order of the said Court to be purchased in case such Purchase were made.

12 G. 1. c. 32.

12 G. 2. c. 24.

XXIV. And be it enacted, That where any Money so agreed or assessed to be paid as herein-before mentioned shall not exceed the Sum

Sums not exceeding 20*l.* to be

paid to the Parties entitled to the Rents.

Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands taken or used for the Purposes of this Act, or in respect of which such Recompence, Compensation, or Satisfaction shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

If Party refuse to accept the Sum agreed or assessed, or fail to make a good Title, the Money to be paid into the Bank.

XXV. And be it enacted, That in case any Party to whom any Money shall be agreed or assessed to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or any Estate or Interest therein, or for Recompence, Compensation, or Satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from the United Kingdom, or shall refuse, neglect, or be unable to make a Title to and convey such Lands, Estate, or Interest to the Satisfaction of the said Commissioners, within Three Calendar Months from the Period of the Value of the Lands or Amount of Recompence, Compensation, or Satisfaction being agreed upon or assessed as aforesaid, or if any Party entitled to contract or agree for the Sale of such Lands, Estate, or Interest shall not be known, or shall be absent from the United Kingdom, or shall refuse to execute any proper Contract or Conveyance for the Sale thereof respectively within the said Three Calendar Months, then and in every such Case it shall be lawful for the said Commissioners to cause the Money so agreed or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Lands, Estate, or Interest, but if such Party or Parties shall not be known then to the Credit of the said Commissioners, subject to the Order, Control, and Disposition of the said Court, which said Court, on the Application of any Party making Claim to such Money or to any Part thereof by Motion or Petition, is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends or Interest thereof, according to the Estate, Title, or Interest of the Party making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what the same is received.

On Tender or Payment of Purchase Money into the Bank Commissioners may enter

XXVI. And be it enacted, That upon Payment or Tender of such Sums of Money as shall have been agreed upon between the Parties or awarded by a Jury for the Purchase of any Lands, or whenever any of the respective Cases shall happen wherein such Money is herein authorized or directed to be paid into the Bank of *England*, then upon Payment of the same into the Bank of *England* in manner in such

Case herein authorized or directed, it shall be lawful for the said Commissioners immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the Property of the said Commissioners in Trust for Her Majesty, Her Heirs and Successors, for the Purposes of this Act; and when any Money has been paid into the Bank of *England* and such Receipt obtained for the same as aforesaid, the said Commissioners shall not be bound to see to the Application thereof; and such Payment or Tender, or such Deposit in the Bank of *England*, shall in all respects and to all Intents and Purposes operate in the same Manner as if a Conveyance under the Provisions of this Act had been made of the Lands in question to the said Commissioners; and in all Cases whatsoever in which the said Commissioners shall have a Right of Entry under the Provisions of this Act (except a Right of Entry for the Purpose only of making such Survey and Valuation as aforesaid), and Delivery of Possession shall be refused or withheld, it shall be lawful for any Justice of the Peace to issue his Precept or Warrant to a Constable to enter upon the Lands the Possession of which shall be refused or withheld, and to take possession thereof, and to deliver the Possession of the same to such Person as shall in such Precept or Warrant be nominated to receive the same, being a Person appointed in that Behalf by the said Commissioners; and the Constable is hereby authorized and required to take such Possession and to deliver the same accordingly.

on the Lands, which shall be vested in them in Trust for Her Majesty.

XXVII. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in pursuance of this Act for the Purchase of or as Recompence, Compensation, or Satisfaction for any Damage or Injury to any Lands purchased or used in pursuance of this Act, or to any Annuities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities, or to any Part of such Money, Annuities, Dividends, or Interest respectively, the Person who shall have been in Possession of such Lands, or in Receipt of the Rents and Profits thereof at the Time of such Purchase or at the Time when such Damage or Injury shall have occurred, and all Persons claiming under such Person or under or consistently with the Possession of him, shall be deemed to have been lawfully entitled to such Lands according to such Possession until the contrary be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities to be purchased with such Money, and also the Capital of such Annuities, shall be paid and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some and what other Persons was or were lawfully entitled to such or to some and what Part of such Lands, or to some and what Estate or Interest therein or Charge thereon.

In case of Question as to the Title, the Monies to be paid into the Bank.

XXVIII. And be it enacted, That where the Purchase Money for any Lands to be taken or used for the Purposes of this Act, or the Money paid for any such Recompence, Compensation, or Satisfaction as aforesaid, shall be paid into the Bank of *England* under or in pursuance

Court of Chancery may make Order as to the Costs in

Cases of Payment into the Bank.

suance of this Act, it shall be lawful for the said Court of Chancery, if it shall think fit, to order the Costs, Charges, and Expences of and attending any such Motion, Petition, or Application as aforesaid, and the Proceedings to be had thereon, or so much of such Costs, Charges, and Expences as the said Court shall deem reasonable under the Circumstances of the Case, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money in such Manner and for such Purposes as the said Court shall direct.

Lands for the Purchase of which Money is paid to the Bank released from all Rents and Incumbrances.

XXIX. And be it enacted, That where the Money awarded to be paid for any Lands which shall be used for the Purposes of this Act shall be paid into the Bank of *England*, in manner herein-before directed, in consequence of a good Title not having been made to such Lands to the Satisfaction of the said Commissioners, by reason of the same Lands respectively being subject, either alone or together with other Lands not required for the Purposes of this Act, to a Rent payable to some Person unable or unwilling to release therefrom the Lands required to be used for the Purposes of this Act, then and in every or any such Case the Lands for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be agreed or assessed to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof, and all Powers and Remedies for recovering the same; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the said Court of Chancery, to be signified by an Order made upon Motion or Petition to be preferred or made in a summary Way by the Person who would have been entitled to the Rents and Profits of the Lands for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Lands, which shall be conveyed and settled (subject, either alone or together with such other Lands, if any, as the Case may be, to such Rent) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands so to be used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto as aforesaid, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Annuities; and in the meantime, and until such Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the said Lands hereby authorized to be purchased in case such Purchase and Settlement were made; and the Lands so to be purchased and settled shall, either alone or, as the Case may be, together with the said other Lands not required for the

the Purposes of this Act and already subject to such Rent, be subject to the same Rent, and shall, in the Conveyance and Settlement thereof, be declared to be subject thereto in the same Manner to all Intents and Purposes as the Lands taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Person to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof, or of any Part thereof, out of or upon the Lands to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same, either alone or, as the Case may be, together with such other Lands not required as aforesaid, instead of the Lands to be taken for the Purposes of this Act, or the same Lands or such other Lands (if any) as aforesaid, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon the Lands so taken, either alone or together with the other Lands subject thereto, as the Case may be; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, upon Application thereto as aforesaid, to order any Part of the Dividends and annual Produce of the Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Person for the Time being entitled to the said Rent in discharge thereof, or Part thereof, as the Case may be.

In Cases of Lands purchased subject with other Lands to any Rent, &c., Commissioners may agree for Release of Charges.

XXX. And be it enacted, That where any Lands purchased or wanted or intended to be purchased by the said Commissioners on behalf of Her Majesty shall be subject, solely or jointly with other Lands not intended or wanted to be purchased, to or with any Rent-service, Rent-charge, or chief Rent, or other Rent, Payment, or Incumbrance, it shall also be lawful for the said Commissioners (if they shall think proper) to agree for the Release of the Lands so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance, for such gross Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same; and which Agreement may be entered into by all Persons absolutely entitled, and by all Persons by this Act authorized, capacitated, and empowered to sell or convey Lands; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Land is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands purchased or intended to be purchased for the Purposes of this Act, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to such Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Lands purchased or intended to be purchased and of the Lands

not purchased or intended to be purchased by the said Commissioners; and all Contracts which shall be made by and between the said Commissioners on behalf of Her Majesty, Her Heirs and Successors, and any such Party as aforesaid respecting such Release or Apportionment shall be valid and effectual in the Law; and all Contracts or Assurances which shall be made with or to the said Commissioners respecting such Release shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Lands so jointly subject a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Lands so purchased therefrom, then and in such Case it shall be lawful for the Person absolutely entitled to the said Rent, Payment, or Incumbrance, or by this Act authorized, capacitated, or empowered to apportion such Rent, Payment, or Incumbrance, or to release the Lands so purchased or intended to be purchased therefrom, (with the Consent of the said Commissioners, and also of the Owner of the Land so jointly subject as aforesaid, although such Owner may only have a limited or partial Interest in such last-mentioned Lands,) to release the Lands so purchased or intended to be purchased as aforesaid from the Rent, Payment, or Incumbrance affecting the same as aforesaid jointly with other Lands, on condition or in consideration of such other Lands continuing or remaining solely and exclusively subject to such Rent, Payment, or Incumbrance: Provided also, that when any of the Lands purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Lands, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Part of such Rent, Payment, or Incumbrance, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose, by any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to cause to be endorsed a Memorandum on such Deed or Instrument declaring what Part of the Lands subject to such Rent, Payment, or Incumbrance shall have been purchased or intended to be purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

In case of Parts of Lands subject to Lease, or of Copyholds, being taken,

XXXI. And be it enacted, That in all Cases in which a Part only of any Lands comprised in any Lease or Agreement for Lease, or held by Copy of Court Roll, subject to any Rent, shall be required for the Purposes of this Act, the Rent payable in respect of any such Lands shall (if the said Commissioners think fit) be apportioned between

between so much of the same Lands as shall be required for the Purposes of this Act and the Residue of such Lands; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor of such Lands or of the Lord of the Manor of whom such Lands are holden; and any Person hereby or otherwise authorized or capacitated to sell Lands, and who shall be a Lessor or Lord of a Manor, shall be capacitated to assent to such Apportionment, and to bind the Property in respect of such Apportionment; and after such Apportionment the Tenant or Lessee of the Lands comprised in such Lease or Agreement for Lease or Copy of Court Roll shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease, or payable in respect of such Copyhold Lands, as shall have been apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor or Lord of the Manor of the same Lands shall have all such and the same Remedies for recovering and compelling Payment of the Rent so apportioned in respect of the Lands not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rents reserved or agreed to be reserved in such Lease or Agreement for Lease, or payable in respect of such Copyhold Lands as aforesaid; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, or invalidate, prejudice, or destroy the Customs of any Manor in other respects, so far as the same relate to or affect the Lands not required for the Purposes of this Act; but the same shall, as to such last-mentioned Lands, but not further or otherwise, continue in full Force and Operation.

Rent to be apportioned.

XXXII. And be it enacted, That all Persons having any Mortgage on any Lands which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Person, and whether in Possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage shall affect such Lands solely or jointly with any other Lands,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Lands so mortgaged, in case the same shall be sufficient for the Purpose), immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Lands which shall be so required to the said Commissioners, or to such Person as they shall appoint; or in

Mortgagees to convey upon Payment or Tender of Principal and Interest.

in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Lands, that they or he will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of such Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Lands which shall be so required for the Purposes of this Act to the said Commissioners, or as they shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Chancery in *England* as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall, in either of the Cases aforesaid, neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England* at the End of such Six or less Calendar Months (as the Case may be) from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee, at any Time after the Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or, as the Case may be, upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or for whom he shall be a Trustee, shall vest in the said Commissioners, who shall be deemed to be in the actual Possession of the Lands comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

Where Lands in Mortgage are of less Value than the Money secured thereon, or where only Part of Lands in Mortgage are required.

XXXIII. And be it enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, and in which such Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Lands, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs,

Costs, the Value of such Lands, or, as the Case may be, of such Part of the said Lands, as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Trustee or other Person entitled to the Equity of Redemption of such Lands, whether absolutely or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners on behalf of Her Majesty on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference under this Act, and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim so far as the same will extend; and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Lands, the Value whereof or Compensation for which shall so have been agreed upon or determined as aforesaid; or in case of his, her, or their neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee or Mortgagees as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken or used from all Principal and Interest, and other Money due or secured thereon, and thereupon such mortgaged Lands so taken or used shall become absolutely vested in the said Commissioners, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of the Lands subject to any Mortgage shall be required or shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Assignment or Conveyance thereof to the said Commissioners, have been paid to the Mortgagee or Mortgagees thereof in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the said Commissioners, and shall be signed by such Mortgagee or Mortgagees, and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Commissioners to the Person so entitled as aforesaid to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Form of Conveyance.

XXXIV. And be it enacted, That Conveyances of Lands purchased by virtue or in pursuance of this Act may be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

'I of in consideration of the Sum
'of to me [*or, as the Case may be,*] into the Bank
'of *England*, paid by the Commissioners for executing the Office
'of Lord High Admiral of the United Kingdom of *Great Britain*
'and *Ireland*, do hereby convey to the said Commissioners all [*de-*
'*scribing the Lands to be conveyed*], together with all Ways, Rights,
'and Appurtenances thereunto belonging, and all such Estate, Right,
'Title, and Interest in and to the same, and every Part thereof, as I
'am or shall become seised or possessed of, or am by an Act of
'Parliament passed in the Year of the Reign of Her
'Majesty Queen *Victoria*, intituled [*here set forth the Title of this*
'*Act*], capacitated or empowered to convey, to hold the said Lands
'to the said Commissioners in Trust, and according to the Intent
'and Meaning of the said Act. In witness whereof I have hereunto
'set my Hand and Seal the Day of in the
'Year of our Lord .'

Conveyance to Commissioners to merge all Terms of Years.

And all such and other Conveyances to the said Commissioners shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands in such Conveyances respectively comprised; but although any such Terms of Years shall be merged as aforesaid, yet they shall in Equity respectively afford the same or the like Protection and Priority against mesne Incumbrances as if such Terms of Years were assigned and kept on foot in Trust for the said Commissioners, and to attend the Freehold Reversion or Inheritance of the Lands therein comprised.

Copyhold Lands to be conveyed and remain as Freehold.

XXXV. And be it enacted, That if any Lands required by the said Commissioners shall be of Copyhold or Customary or any other Tenure than Freehold Tenure the same shall be conveyed to the said Commissioners as if the same were Freehold, without any Forfeiture being thereby incurred, and the same shall be and remain of Freehold Tenure in Fee Simple when conveyed to the said Commissioners, and for ever thereafter; but nevertheless the said Commissioners shall pay a reasonable Recompence and Satisfaction to the Lord of the Manor, or other Person of whom such Lands were holden, for the Loss which may arise to such Lord or other Person in respect of the Fines, Heriots, Rents, Reliefs, and other Services and Advantages the Receipt or Enjoyment of which shall be diminished or lost by such Copyhold or Customary Lands, or Lands of other Tenure, becoming Freehold as aforesaid; and such Recompence and Satisfaction, if not settled by Agreement between the Parties, (and which Agreement all Lords of Manors and other Persons, howsoever limited their Estate or Interest in the Manor or Property may be,

Compensation to Lords of Manors.

and whether they be or be not Trustees, are hereby empowered to enter into,) shall be ascertained and settled by the Verdict of a Jury in like Manner as the Price of any Lands to be taken by virtue of this Act in case of Dispute as to the Value thereof, and liable to the same Conditions as to Costs; and the Money to be paid for the same shall be applied and disposed of as Purchase Money for Lands are by this Act directed to be applied and disposed of.

As to Common or Waste Lands taken under this Act.

XXXVI. And be it enacted, That in all Cases wherein in the Execution of the Powers of this Act there shall be Occasion to take or use any Common or Waste Land, or any other Land which shall be subject or liable to the Exercise of any Right or Privilege of Common thereupon of any Nature or Kind whatsoever, the Conveyance of such Common or Waste Land or other Land by any Person having such Estate or Interest in the Manor wherein such Common or Waste Land shall be situate, or if the same shall not be the Waste Land of any Manor, then having such Estate or Interest in the Soil of the said Lands as the Person who is by this Act or otherwise enabled to sell other Lands has in such Lands, (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyance of other Lands,) shall be a good and sufficient Conveyance to the said Commissioners for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Lands or other Lands, as fully and effectually as if every Person having any such Right of Common upon such Common or Waste Land or other Lands were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and for the Purposes of this Act the Party having the Power to convey such Land shall be deemed the absolute Owner thereof in Fee Simple.

Commissioners may stop up or divert Roads.

XXXVII. And be it enacted, That it shall be lawful for the said Commissioners, without any Writ being issued or other legal Proceeding being adopted, to stop up and divert any Landing Place, Turnpike Road, Highway, Street, Carriageway, Horseway, Footway, and Causeway on, near, or adjoining to any Land required for the Purposes of this Act, they, at the Cost of Her Majesty, previously making and opening another good and sufficient Landing Place, Road, or Way, with requisite Boundary Fences, in lieu of that which may be diverted or stopped up, and at such convenient Distance therefrom as to the said Commissioners shall seem proper and necessary; and upon such substituted Landing Place, Road, or Way being completed the Landing Place, Road, or Way diverted or stopped up, and the Soil thereof, shall vest absolutely in the said Commissioners, in Trust for Her Majesty, Her Heirs and Successors, for the Public Service; and the new Landing Place, Road, or Way, and the Soil thereof, shall vest in the same Trustees or other Persons as the Landing Place, Road, or Way so diverted or stopped up was vested in at the Time of the Diversion or Stoppage thereof by the said Commissioners: Provided always, that in case it shall be deemed necessary to stop up or divert any Turnpike or other Road, Landing Place, Highway, Street, Carriage or other Way, under or through which

which any public Drain or Sewer or Main Pipe for the Conveyance of Water shall pass or be laid, the said Commissioners, previous to any such Drain, Sewer, or Pipe being disturbed or injured, shall, at the Costs of Her Majesty, cause another good and sufficient Drain or Sewer to be made and other and sufficient Pipe or Pipes for the Conveyance of Water to be laid down through or under the Road or Way intended to be substituted.

Roads substituted in lieu of those stopped up or diverted to be kept in repair by the Commissioners for Twelve Months.

XXXVIII. And be it enacted, That every Road or Way which shall be substituted by the said Commissioners for any Road or Way stopped up or diverted by them shall be kept in repair by the said Commissioners, at the Cost of Her Majesty, Her Heirs and Successors, for the Space of Twelve Calendar Months from the Time of the opening thereof; and at the Expiration of such Twelve Calendar Months the substituted Road or Way shall be repaired for ever thereafter by and at the Cost of the Trustees or other Persons who would or ought to have kept in repair the Road or Way so diverted or stopped up.

Tenants by the Year or at Will to quit on Notice.

XXXIX. And be it enacted, That every Tenant or Lessee for a Year or from Year to Year, or any other Person or Persons in Possession of any Lands which shall be required or purchased by virtue of this Act, who shall have no greater Interest in such Lands than as Lessee for a Year or from Year to Year thereof, shall, at the Expiration of any Notice, not being less than Three Calendar Months, such Notice being in Writing signed by the said Commissioners or by any Person under their Authority, and given to him, her, or them, or left at the Lands which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Lands unto the said Commissioners, or unto such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Tenant or Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Lands, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Lands (and liable to the same Conditions as to Costs) are herein-before directed to be ascertained; or if the said Commissioners and the other Parties in difference shall so agree, the same may be settled by a Reference to the Award of an Arbitrator or Arbitrators to be agreed on or chosen by the Parties; and that all Persons so in the Possession of any Lands or any Part of the same which shall or may be required or purchased in pursuance of this Act shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled and awarded by any Arbitrator, Referee, or Umpire, or by Verdict or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Lands so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized

Compensation to be made to such Tenants.

to

to receive Possession of the same; and all the Leases and Agreements whatsoever by virtue whereof any such Person shall hold the said Lands shall at the Expiration of such Notice, or upon such Payment or Tender as aforesaid in case the Party shall be entitled to Compensation, be absolutely void as against Her Majesty, Her Heirs and Successors, and the said Commissioners; and if any such Tenant or Lessee or other Person shall refuse or neglect to deliver up the Lands in his, her, or their Possession at the Expiration of such Notice, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace to issue his Precept or Warrant to a Constable to enter upon the said Lands, and to take possession thereof, and to deliver the Possession thereof to such Person as shall in such Precept or Warrant be nominated to receive the same, being a Person appointed in that Behalf by the said Commissioners; and the Constable is hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Amount of Claims may be referred to Arbitration.

XL. And be it enacted, That all Persons hereby or otherwise capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid or the Land to be given in Exchange for any Lands required to be purchased by virtue of this Act, or for any Estate or Interest therein or Charge or Incumbrance thereon, or as to the Amount to be paid by way of Compensation for any Damage whatsoever, or with reference to the Value of any Goodwill, Improvements, or Fixtures, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to assess the Amount to be paid; and every such Agreement and the Award of such Person or Persons shall be in all respects binding and effectual.

Limitation of Actions, &c.

XLI. And be it enacted, That no Action, Suit, or other Proceeding shall be commenced or brought against any Person for any thing done in execution or in pursuance of this Act until after Twenty-eight Days Notice thereof shall have been given to the Secretary of the Admiralty for the Time being, clearly and explicitly specifying the Cause of Action, Suit, or Proceeding, and the Name and Place of Abode of the Person commencing the same, and of his Attorney or Agent (if any), nor after a sufficient Compensation or Tender thereof made to the Party aggrieved, nor after Three Calendar Months next after the Act committed; and the Defendant in every such Action or Suit may, at his, her, or their Election, plead either specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in the Execution and in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-eight Days Notice thereof shall have been given as aforesaid, or after sufficient Compensation made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his, her, or their Action after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall be entitled to and recover his full Costs, and shall have

have such Remedy for recovering the same as any Defendant hath for his Costs in any other Cases by Law.

In case of Verdict against Defendant for any thing done under this Act the Judge may certify.

XLII. And be it enacted, That in case any Action, Suit, Indictment, or other Proceeding or Prosecution shall be commenced or be brought to Trial or Hearing against any Person whomsoever on account of any Act, Matter, or Thing done in or arising out of the Execution of the Powers given by or otherwise in effecting and completing the Purposes of this Act, wherein a Verdict or Conviction shall be given or obtained against the Defendant, if the Court or Judge before whom such Action, Indictment, Suit, or other Prosecution shall be tried or heard shall certify on the Record, or if on a summary Conviction the Justice of the Peace shall consider and certify, that there was a reasonable Cause for the doing such Act, Matter, or Thing as aforesaid, the Plaintiff or Complainant in such Action, Suit, or Proceeding shall not be entitled to any Costs, nor shall the Defendant in any such Prosecution or Proceeding be subject to a greater Punishment than a Fine of One Shilling.

Conveyances and Contracts exempt from Stamps.

XLIII. And be it enacted, That all Conveyances to and all Contracts with the said Commissioners for the Purposes of this Act, and all Assurances, Assignments, Deeds, Documents, and Memoranda whatsoever, be the same of Record or not of Record, and all Receipts which may have reference to or which may be necessary to give Effect and Validity to any and every Purchase or Payment made by the said Commissioners under or by virtue of this Act, shall be exempt from all Stamp Duties whatsoever, and shall be admitted and received as Evidence in all Courts of Justice and for other Purposes as other Deeds and Documents of a like Nature are when duly and properly stamped.

In case of the Appointment of a Lord High Admiral, Lands purchased to be vested in him.

XLIV. And be it enacted, That whenever it shall please Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral of the United Kingdom, then, and so long and as often as there shall be a Lord High Admiral of the said United Kingdom, all the Lands and Powers vested in or given to or hereafter to be vested in or given to the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, under or by virtue of any Act or Acts now in force, or of this Act, or of any Act or Acts in this present Session of Parliament or hereafter to be passed, shall be and become vested in the Lord High Admiral of the United Kingdom for the Time being, in Trust for Her Majesty, Her Heirs and Successors, for the Public Service, and he for the Time being shall be the sole Commissioner for carrying this Act into effect.

Interpretation of Act.

XLV. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the following Words shall have the Meaning herein-after assigned to them respectively; (that is to say,)

The Words "Person" and "Persons" shall each of them be construed to include all Bodies Politic, Corporate, and Collegiate, Ecclesiastical

Ecclesiastical and Civil, both Aggregate and Sole, as well as every private Individual:

The Word "Lands" shall be construed to include Lands of every Tenure, and also Houses, Buildings, Grounds, Tenements, and Hereditaments, both corporeal and incorporeal, of every Description and Tenure:

And every Word importing the Singular Number shall extend and be applied to several Corporations, Persons, or Things, as well as one Corporation, Person, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Corporation, or Thing, as well as to several Persons, Corporations, or Things:

And every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

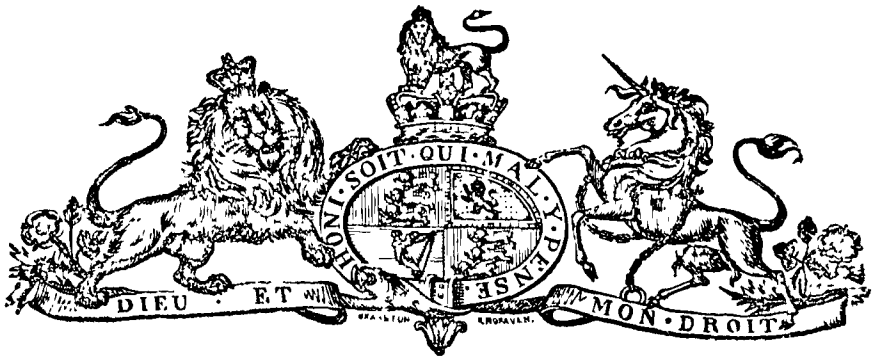
Public Act.

XLVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended, &c. this Session

XLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



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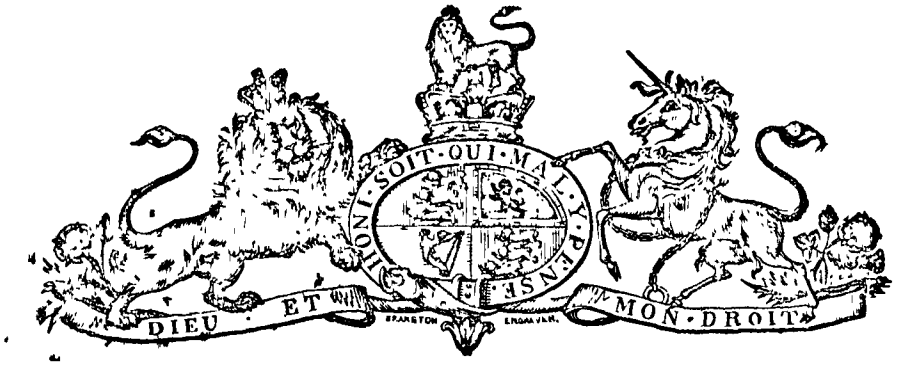

ANNO SEXTO & SEPTIMO

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CAP. LX.

An Act for suspending, until the First Day of *October* One thousand eight hundred and forty-four, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions. [17th *August* 1843.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, and the said Act contains certain temporary Provisions relating to the State and Jurisdiction of all the Ecclesiastical Courts in *England* and *Wales*: And whereas the said temporary Provisions, having been from Time to Time continued by certain other Acts of Parliament, were further continued, together with a further Provision respecting the Visitations of Bishops and Archdeacons, contained in an Act passed in the Fifth Year of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England, and now stand continued until the First Day of *October* next: And whereas it is expedient that the said temporary Provisions, and such further Provision as aforesaid,

6 & 7 W. 4. c. 77.

1 & 5 Vict. c. 30.

Temporary Provisions relating to Ecclesiastical Courts and Provision relating to Visitations continued.

said, should be further continued for a limited Time: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said temporary Provisions, and the said further Provision relating to the Visitations of Bishops and Archdeacons, shall continue and be in force until the First Day of *October* in the Year One thousand eight hundred and forty-four.

Act may be amended this Session.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXI.

An Act to remove Doubts respecting the Admission of Ministers to Benefices in that Part of the United Kingdom called *Scotland*.

[17th *August* 1843.]

WHEREAS certain Acts of the Parliament of *Scotland* and of the United Kingdom of *Great Britain* have declared that the Right of Collation in regard to the Settlement of Ministers in the Parishes to which they may be presented belongs to the Church established by Law in that Part of the United Kingdom called *Scotland*: And whereas Provision has been made by these Statutes for securing to the Church the exclusive Right of examining and admitting any Person who may be presented to a Benefice having Cure by the Patron of such Benefice; and in particular by an Act passed in the Parliament of *Scotland* in the Year One thousand five hundred and sixty-seven, intituled *Admission of Ministers; of Laick Patronages*, it is statute and ordained, that the Examination and Admission of Ministers within this Realm be only in the Power of the Kirk now openlie and publicly professed within the samin, the Presentation of Laick Patronage alwaies reserved to the just and auncient Patrones; and by an Act passed in the Parliament of *Scotland* in the Year One thousand five hundred and ninety-two, intituled *Ratification of the Liberty of the trew Kirk*, the Government of the Church by Presbyteries, Synods, and General Assemblies was ratified and established, and it was ordained that all Presentations to Benefices be direct to the particular Presbyteries in all Time cumming, with full Power to give Collation thereupon, and to put Ordour to all Maters and Causes Ecclesiastical within their Boundes according to the Discipline of the Kirk; providing the foresaids Presbyteries be bound and astricted to receive and admitt whatsumever qualified Minister presented be His Majesty or Laick Patrones; and by an Act of the Parliament of *Great Britain* passed in the Tenth Year of the

1567. c. 7.

1592. c. 114.

10 Ann. c. 12. Reign of Her Majesty Queen *Anne*, intituled *An Act to restore the Patrones to their ancient Rights of presenting Ministers to the Churches vacant in that Part of* Great Britain *called* Scotland, the Right of the Church to receive and admit Persons presented to Benefices was again recognized and secured; and by an Act of the Parliament of *Great Britain* passed in the Fifth Year of the Reign of His Majesty 5 G. 1. c. 29. King *George* the First, intituled *An Act for making more effectual the Laws appointing the Oaths for Security of the Government to be taken by Ministers and Preachers in Churches in* Scotland, *providing that certain Oaths should be taken by Ministers and Preachers of the Church of* Scotland, *and for preventing Delays in the supplying or filling up of vacant Churches in* Scotland, it is also declared and enacted, that nothing herein contained shall prejudice or diminish the Rights of the Church, as the same now stands by Law established, as to the trying of the Qualities of any Person presented to any Church or Benefice: And whereas it is expedient to remove any Doubt which may exist as to the Powers and Jurisdiction of the Church as by Law established in *Scotland* in the Matter of Collation, and as to the Right of the Church to decide that no Person be settled in any Parish or Benefice having Cure against whom or whose Settlement in such Parish or Benefice there exists any just Cause of Exception: May it therefore please Your Majesty that it may be declared and enacted; and be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when a Presentation to any Benefice within that Part of the United Kingdom called *Scotland* by the undoubted Patron has been laid before the Presbytery of the Bounds, it shall and may be lawful for the Presbytery, as Part and as the Commencement of the Proceedings in the Examination and Admission of the Person so presented for the Cure of that Parish, and of the Trial of his Gifts and Qualities, to appoint him to preach in the Church of the said Parish at such Times as the Presbytery may direct, or as may be directed by any Regulations of the General Assembly to that Effect; and after the Presentee shall have preached in the Parish Church according to the Directions of the Presbytery, the Presbytery, or a Committee of their Number, shall meet, after due Notice, at the said Church, and shall intimate that if any One or more Parishioners being Members of the Congregation have any Objection to the Individual so presented, in respect to his Ministerial Gifts and Qualities, either in general or with reference to that particular Parish, or any Reason to state against his Settlement in that Parish, and which Objections or Reasons do not infer Matter of Charge against the Presentee to be prosecuted and followed out according to the Forms and Discipline of the Church, the Presbytery are ready, either then or at their next Meeting, to receive the same in Writing, or to write down the same in their Minutes in the Form and Manner which such Parishioners may desire.

Upon Presentation to a Benefice being laid before any Presbytery they may require the Person presented to preach in the Parish Church, and thereupon may meet, after due Notice, to receive or enter Reasons or Objections against him.

Reasons and Objections to be determined by Presbytery, or referred

II. And be it enacted, That the Objections or Reasons aforesaid shall be fully considered and disposed of by the Presbytery by whom they are to be cognosced and determined on judicially, or shall be referred by the Presbytery to the superior Judicatory of the Church for Decision, as the Presbytery may see Cause,

the Presentee and all Parties having Interest being heard in either Case on the same; and the Presbytery or other Judicatory of the Church to whom the said Objections or Reasons shall be stated or referred as aforesaid shall, in cognoscing and determining on the same judicially, have regard only to such Objections and Reasons so stated as are personal to the Presentee in regard to his Ministerial Gifts and Qualities, either in general or with respect to that particular Parish, but shall be entitled to have regard to the whole Circumstances and Condition of the Parish, to the Spiritual Welfare and Edification of the People, and to the Character and Number of the Persons by whom the said Objections or Reasons shall be preferred; and if the Presbytery or other Judicatory of the Church shall come to the Conclusion, as their Judgment on the whole Matter, that the said Objections or Reasons, or any of them, are well founded, and that in respect thereof the Individual presented is not a qualified and suitable Person for the Functions of the Ministry in that particular Parish, and ought not to be settled in the same, they shall pronounce a Deliverance to that Effect, and shall set forth and specify in such Deliverance the special Ground or Grounds on which it is founded, and in respect of which they find that the Presentee is not qualified for that Charge, in which event they shall intimate their Deliverance respecting the Presentee to the Patron, who shall thereupon have Power to issue another Presentation within the Period of Six Calendar Months after the Date of such Deliverance if no Appeal shall be taken to a superior Judicatory of the Church, or in the event of an Appeal being taken to a superior Judicatory of the Church, then within Six Months after the Date of the Judgment of the superior Judicatory of the Church affirming the Deliverance of the inferior Judicatory of the Church or dismissing the Appeal.

to superior Judicatory of the Church. To what the Presbytery shall have regard in their Determination.

If the Presbytery support such Objections, they shall issue a Deliverance to that Effect, and Patron may make another Presentation.

III. And be it enacted, That if the Presbytery or other Judicatory of the Church, after considering all the Objections aforesaid to the Presentee and all the Reasons stated against his Settlement in that particular Parish, shall be satisfied, in the Discharge of their Functions and in the Exercise of their Authority and Duty as Ministers of the Gospel and as Office-bearers in the Church, that no good Objections against the Individual or no good Reason against his Settlement has been stated as aforesaid, or that the Objections and Reasons stated are not truly founded in any Objection personal to the Presentee in regard to his Ministerial Gifts and Qualities, either in general or with reference to that particular Parish, or arise from causeless Prejudices, the said Presbytery or other Judicatory of the Church shall repel the same, and, subject to the Right of Appeal as herein-after provided, shall complete the further Trials and Examination of the Presentee, and, if found by them to be qualified for the Ministry in that Parish, shall admit and receive him into the Benefice as by Law provided.

If no good Objections against Presentee, Presbytery shall (subject to Appeal) proceed to further Trial, and admit him if qualified.

IV. And be it enacted, That it shall not be lawful for any Presbytery or other Judicatory of the Church to reject any Presentee upon the Ground of any mere Dissent or Dislike expressed by any Part of the Congregation of the Parish to which he is presented, and which Dissent or Dislike shall not be founded upon Objections or Reasons to be fully cognosced, judged of, and determined in the Manner aforesaid by the said Presbytery or other Judicatory of the Church.

No Presentee to be rejected unless Dissent or Dislike be founded upon Objections to be judged of by Presbytery, &c.

V. And

Presentee, &c. may appeal to superior Judicatory of the Church from Deliverance of Presbytery.

V. And be it enacted, That it shall be in the Power of the Presentee, Patron, or Objectors to appeal from any Deliverance pronounced as aforesaid by the said Presbytery acting within its Competency as a Judicatory of the Church, which Appeal shall lie exclusively to the superior Judicatories of the Church according to the Forms and Government of the Church of *Scotland* as by Law established.

The Right of Presentees now in possession not to be challenged, although a former Presentee may have been rejected under the Act of General Assembly of May 1835.

VI. And whereas by an Act of the General Assembly of the Church of *Scotland*, of Date Twenty-ninth *May* One thousand eight hundred and thirty-five, it was made an Instruction to Presbyteries that if at the moderating in a Call to a vacant Parish the major Part of the Male Heads of Families, Members of the vacant Congregation and in full Communion with the Church, shall disapprove of the Person in whose Favour the Call is proposed to be moderated in, such Disapproval shall be deemed sufficient Ground for the Presbytery rejecting such Person, and that he shall be rejected accordingly, and certain Regulations were passed for carrying the said Instructions into effect: And whereas it has been found by final Judgment of the Court of Session, affirmed by the House of Lords, that a Presbytery, acting in pursuance of said Act of Assembly and Regulations, refusing to take Trial of the Qualifications of a Presentee, and rejecting him on the sole Ground that a Majority of the Male Heads of Families Communicants in the said Parish have dissented, without any Reasons assigned, from his Admission as Minister, acted illegally and in violation of their Duty, and contrary to the Provisions of certain Statutes of the Realm, and particularly the Statute of the Tenth Year of Queen *Anne*, Chapter Twelve, intituled *An Act to restore Patrons to their ancient Rights of presenting Ministers to the Churches vacant in that Part of* Great Britain *called* Scotland: And whereas in some Instances a Presentee has, in pursuance of the said Act of Assembly and Regulations relative thereto, been rejected by a Presbytery because of the Dissents of Male Heads of Families Communicants, and a Presentation has thereafter been issued in favour of a second or subsequent Presentee, who has been settled in the same Benefice, and whose Settlement therein and Right thereto have not been questioned in any Court of Law: And whereas it is expedient that such Settlement in and Right to the Benefice should be secured and protected from future Challenge on the Ground of the Incompetency of the Rejection of the first or prior Presentee; be it enacted, That it shall not be competent to challenge the Settlement or Right to the Benefice of any such second or subsequent Presentee, or to maintain any Proceedings at Law against the Presbytery or Ministers thereof, or other Parties, on account of such Rejection, unless such Challenge or Proceedings shall have been instituted by Action raised in a Court of Law before the First Day of *May* last.

10 Ann. c. 12.

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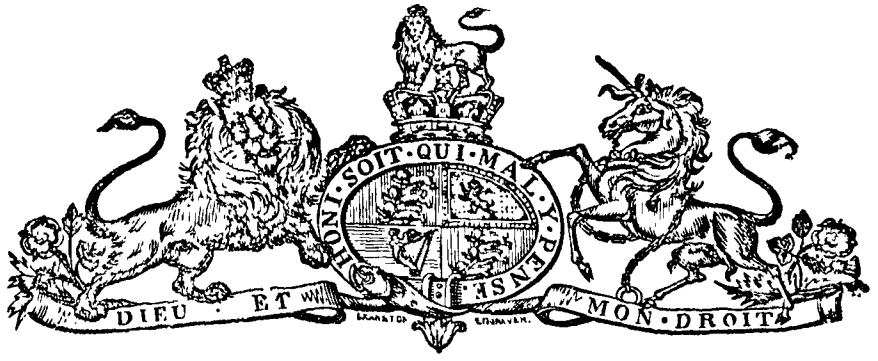

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXII.

An Act to provide for the Performance of the Episcopal Functions in case of the Incapacity of any Bishop or Archbishop.

[22d *August* 1843.]

WHEREAS it is expedient to make Provision for the Performance of the Functions of any Bishop or Archbishop who shall be incapable of duly exercising them in Person: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Archbishop of *England* or *Ireland* shall have Reason to believe that any Bishop of his Province is incapable by reason of mental Infirmity of duly performing his Episcopal Functions, it shall be lawful for such Archbishop to give a Notice under his Hand to such Bishop, that unless within Fourteen Days from the Service thereof satisfactory Cause to the contrary be shown by or on behalf of such Bishop the said Archbishop will issue a Commission to inquire into the State of the mental Capacity of the said Bishop, and if within Fourteen Days from the Service of such Notice Cause to the contrary be not shown to the Satisfaction of the Archbishop, it shall be lawful for such Archbishop to issue a Commission

Commission of Inquiry.

mission to Three Persons being Members of the United Church of *England* and *Ireland*, one of whom shall be his Vicar General, and another one of the Bishops of the Province, to inquire into the Facts of the Case: Provided always, that the aforesaid Notice shall be served by leaving a Copy thereof with the Bishop or his Secretary.

Attendance of Witnesses may be compelled.

II. And be it enacted, That it shall be lawful in any such Inquiry for any Two or more of the Commissioners to require the Attendance of such Witnesses as may be necessary; and such Commissioners respectively shall have the same Powers for this Purpose as now belong to the Consistorial Court and to the Court of Arches respectively.

Proceedings of the Commissioners.

III. And be it enacted, That it shall be lawful for the said Commissioners to examine upon Oath, or upon solemn Affirmation in Cases where an Affirmation is allowed by Law instead of an Oath, all Witnesses whom they may deem it necessary to summon for the Purpose of fully prosecuting the Inquiry, as well as all Witnesses tendered to them for Examination by or on behalf of the Bishop concerning whom the Inquiry is pending; and Notice of the Time and Place at which the First Meeting of the Commissioners shall be holden for the Purpose of prosecuting the Inquiry shall be given in Writing, under the Hand of One of the said Commissioners, to the Bishop, and shall be served upon him by leaving one Copy thereof with the Bishop or his Secretary, and another Copy thereof with the Registrar of his Diocese, Fourteen Days at least before the Meeting; and it shall be lawful for the said Bishop, and his nearest Friend or One of his next of Kin, or his or their Counsel, Proctor, or Agent, to attend the Proceedings of the Commission, and to examine any of the Witnesses; and all such Proceedings shall be public, unless, on the special Application of the Bishop or his nearest Friend, or any One or more of his next of Kin, the Commissioners shall think fit to direct that the same or any Part thereof shall be private; and every such Oath or Affirmation shall be administered by the said Commissioners, or One of them: Provided always, that at the Request or with the Consent of the Bishop or his nearest Friend, or any One or more of his next of Kin, it shall be lawful for the Commissioners to take Evidence upon Affidavit to be sworn before One of the said Commissioners or a Master in Chancery: Provided also, that the said Commissioners shall not direct the Proceedings or any Part thereof to be in private, nor shall take Evidence upon Affidavit, if the Bishop, or his Counsel, Proctor, or Agent, object thereto.

Witnesses giving false Evidence guilty of Perjury.

IV. And be it enacted, That every Witness who shall be examined in pursuance of this Act by or before the said Commissioners, and who shall wilfully swear or affirm falsely, and also every Person who shall swear to the Contents of any such Affidavit knowing the same or any Part thereof to be untrue, shall be deemed guilty of Perjury.

Report of the Commissioners.

V. And be it enacted, That the said Commissioners, or any Two of them, shall transmit to the Archbishop under their Hands and Seals the Depositions of Witnesses taken before them, and all such

Affidavits, and also a Report of the Opinion of the Majority of the Commissioners whether or not the Bishop is incapable by reason of mental Infirmity of duly performing his Episcopal Functions, and such Report shall be filed in the Registry of the Diocese; and the Commissioners shall also, upon the Application of the Bishop or of his nearest Friend, or any One or more of his next of Kin, or his or their Counsel, Proctor, or Agent, cause to be delivered to such Party a Copy of the said Report and the Depositions and Affidavits.

For defraying the Expences of the Inquiry.

VI. And be it enacted, That all the Expences of such Inquiry shall be certified under the Hands of Two of the said Commissioners, and, when allowed by the Archbishop by whom the Commission shall have been issued, shall be defrayed out of the Revenues of the Bishoprick.

The like Proceedings in the Case of an Archbishop.

VII. And be it enacted, That the like Proceedings shall be had in the Case of like Infirmity of any Archbishop of the Realm: Provided always, that in such Case all things herein-before required to be done by or with respect to the Archbishop of the Province shall be done by and with respect to the Lord High Chancellor of *Great Britain*, or the Lord High Chancellor of *Ireland*, accordingly as the Archbishop concerning whom the Inquiry is to be made is of *England* or *Ireland*; and of the Three Persons being Members of the United Church of *England* and *Ireland* to be appointed Commissioners, one shall be a Bishop of the Province, another shall be the other Archbishop of *England* or of *Ireland* respectively, as the Case may be, and if the Commission shall be issued by the Lord High Chancellor of *Great Britain* the Third Commissioner shall be the Master of the Rolls or One of the Vice Chancellors of *England*, and if the Commission shall be issued by the Lord Chancellor of *Ireland* the Third Commissioner shall be the Master of the Rolls or One of the Barons of the Exchequer of *Ireland*; and in every such Case the Report of the Commissioners shall be filed in the Registry of the Province; and the Expences of the Inquiry, when allowed by the Lord Chancellor by whom the Commission shall have been issued, shall be defrayed out of the Revenues of the Archbishoprick.

Commissioners to be sworn.

VIII. And be it enacted, That every Commissioner to be appointed by virtue of this Act shall, at or before the First Meeting of the Commissioners for the Purpose of prosecuting the Inquiry, take before the Archbishop or Lord Chancellor issuing such Commission, or before a Master Extraordinary in Chancery, the following Oath; (that is to say,)

'I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me under a Commission of Inquiry issued by relating to the Capacity of [Lord Bishop *or* Archbishop of] duly to perform his [Episcopal *or* Archiepiscopal] Functions, and that without Favour or Affection, Prejudice or Malice.

'So help me GOD.'

IX. And

Petition to Her Majesty or Lord Lieutenant of Ireland in Council.

IX. And be it enacted, That at any Time before the Expiration of Twenty-eight Days after the filing of the Report of the Commissioners in the Registry of the Diocese or Province, as the Case may be, it shall be lawful for the Bishop or Archbishop concerning whom such Inquiry shall have been made, or for his nearest Friend, or any One or more of his next of Kin, or his or their Counsel, Proctor, or Agent, to present a Petition to Her Majesty in Council, or to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being in Council, praying that no such Letters Patent as are hereafter mentioned may be issued; and at the same Time to lodge with the Clerk of the Council an Office Copy of the Report of the Commissioners, and of the Depositions and Affidavits whereon the same is founded; and the Matter of such Petition shall be heard or considered on such Report, Depositions, and Affidavits in *England* before the Judicial Committee of the Privy Council, in case Her Majesty shall be pleased to refer it to the said Committee, and in *Ireland* before the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being in Council; and a Copy of the Order in Council, containing the Decision in the Matter of such Petition, shall, by the Clerk of the Council, be transmitted to the Registry of the Diocese or Province, as the Case may be, and shall be there filed.

Archbishops and Bishops, being Privy Councillors, to be Members of Judicial Committee.

X. And be it enacted, That every Archbishop and Bishop of the United Church of *England* and *Ireland* who now is or at any Time hereafter shall be sworn of Her Majesty's Most Honourable Privy Council in *England* shall be a Member of the Judicial Committee of the Privy Council for the Purposes of this Act.

Appointment of a Bishop to perform the Episcopal Functions;

XI. And be it enacted, That whenever it shall appear to the Archbishop or Lord Chancellor, as the Case may be, on the Report of the said Commissioners, that the Bishop or Archbishop concerning whom the Inquiry has been made is incapable by reason of mental Infirmity of duly performing his Episcopal or Archiepiscopal Functions, it shall be lawful for such Archbishop or Lord Chancellor after the Expiration of the said Period of Twenty-eight Days, or in case any such Petition as aforesaid shall be presented within such Period of Twenty-eight Days, then at any Time after the Prayer thereof shall have been pronounced against or abandoned, to make Request to Her Majesty for Remedy thereof, and thereupon it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of *Great Britain* or the Great Seal of *Ireland*, as the Case may be, to appoint One of the Bishops of the same Province, being a Bishop of *England* or *Ireland*, and not being One of the Commissioners aforesaid, to exercise all the Functions and Powers, as well with regard to the Temporalities as the Spiritualities, of the Bishop or Archbishop so found to have become incapable; and in case of the Death or Incapacity, Deprivation or Suspension of the Bishop so appointed, or in case Her Majesty shall, on the Petition of such Bishop, be pleased to relieve him from the further Exercise of such Functions and Powers, it shall be lawful for Her Majesty in like Manner to appoint another such Bishop, and so as often as the Case shall happen; and it shall be lawful for the Bishop so appointed, and the Archbishop or Lord Chancellor

Chancellor (as the Case may be) by whom the Commission aforesaid was issued, or any Successor of such Archbishop or Lord Chancellor, by an Instrument in Writing under their Hands and Seals, jointly to commission and appoint a Spiritual Person to assist in the Administration of the Temporalities of the See, and in such Matters of Jurisdiction of the See or Province of the Bishop or Archbishop so found to have become incapable as shall and may be lawfully committed to him, which Spiritual Person shall give to the Bishop and to the Archbishop or Lord Chancellor by whom he shall be appointed a Bond, with sufficient Surety in a sufficient Sum, with a Condition for his duly accounting for the Monies which may come to his Hands by virtue of his Office; and it shall be lawful for the Bishop so appointed, and the same or any succeeding Archbishop or Lord Chancellor, at their Pleasure, to revoke and cancel such Appointment, and in any such Case, or upon the Death or Resignation of such Spiritual Person, in like Manner to commission and appoint another Spiritual Person, on his giving such Security as before mentioned, and so from Time to Time as often as the Case shall happen; and all things done by virtue of this Act within the Limits of his Authority by any such Bishop or Spiritual Person shall be done in the Name of the Bishop or Archbishop so found to have become incapable, and under the Seal of such Bishop or Archbishop where a Seal is required to be used, and shall be as valid as if done by such Archbishop or Bishop; and the Receipt of the Bishop or Spiritual Person, so appointed as aforesaid, for such Sums as he shall receive by virtue of his Commission, shall be good and effectual Discharges for the Monies which in such Receipts shall be acknowledged to have been received: Provided always, that it shall not be lawful for such Bishop or Spiritual Person to present, collate, nominate, or license any Clerk to any Ecclesiastical Benefice in the Gift or Patronage of the Bishop or Archbishop so found to be incapable, or to sanction the Union or Disunion of any Benefice in such Gift or Patronage with or from any other Benefice, without the Approval of the Archbishop or Lord Chancellor by whom the Commission was issued, or, without the like Approval, to appoint or displace any Officer of the See or Province; and that no Lease, or Deed of Conveyance, Exchange, or Enfranchisement, of any Lands or Possessions belonging to the See or Province, to be executed by any Bishop or Spiritual Person appointed as aforesaid, shall be valid unless approved and executed by the Archbishop of the Province, or, in case of the Incapacity of the Archbishop, by the Lord Chancellor of *Great Britain* or the Lord Chancellor of *Ireland*, as the Case may be, and in each Case sealed also with the Seal of the Ecclesiastical Commissioners for *England* or of the Ecclesiastical Commissioners for *Ireland*, as the Case may be.

and of a Spiritual Person to assist in the Administration of the Temporalities.

Proviso.

XII. And be it enacted, That the Bishop and the Spiritual Person to be appointed by virtue of this Act shall, for the Purpose of enforcing Payment of the Revenues of the See of the Bishop or Archbishop found to have become incapable, severally have all the same legal Rights, Powers, and Remedies, whether by Action, Suit, or Distress, as the Case may be, as might have been exercised by the said Bishop or Archbishop if no Commission had been issued: Provided

Power to recover Revenues.

vided always, that neither such Bishop or Spiritual Person shall be accountable for any Monies which may be payable to either of them by virtue of this Act which shall not have been actually received by them respectively.

Allowance to the Spiritual Person so appointed.

Reimbursement to the Bishop.

Remainder of Revenues how to be paid.

XIII. And be it enacted, That it shall be lawful for Her Majesty to assign to the Spiritual Person to be appointed as aforesaid a yearly Allowance, not exceeding One Sixth Part of the Revenues of the Bishoprick or Archbishoprick, such as to Her Majesty shall seem fit, which shall be defrayed out of the Revenues of the Bishoprick or Archbishoprick; and such Spiritual Person shall also, out of such Revenues, defray and reimburse to the Bishop to be appointed as aforesaid all Expences incurred by him in the Execution of this Act, such Expences being first allowed by the Archbishop or Lord Chancellor, as the Case may be; and that the Remainder of the said Revenues, after such Payments as aforesaid, and such other Payments (if any) as shall be made by the Bishop or the Spiritual Person who shall be appointed by virtue of this Act, in respect of Rates, Taxes, Tenths, Salaries, Pensions, Repairs, Insurances from Fire, and other Expences incident to the Administration of the Temporalities, or to the Exercise of the Jurisdiction of the Bishop or Archbishop so found to be incapable, shall be paid to such Bishop or Archbishop, or to such other Person or Persons as shall be by Law entitled to receive the same.

A Finding under a Writ De lunatico inquirendo to stand in the Place of a Report of the Commissioners.

XIV. And be it enacted, That if at any Time hereafter any Bishop or Archbishop shall have been found a Lunatic or of unsound Mind under any Commission in the Nature of a Writ De lunatico inquirendo, and if the Inquisition shall not have been quashed or the Commission superseded, it shall be lawful for the Archbishop of the Province or Lord Chancellor, as the Case may be, without further or other Inquiry, to make Request to Her Majesty as on the Report of Commissioners appointed under this Act; and such Request shall be to all Intents and Purposes whatsoever of the same Force and Effect as a Request made on such Report as aforesaid.

Provision in case of the Recovery or Death of the Bishop or Archbishop.

XV. Provided always, and be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, upon a Petition from the Bishop or Archbishop so found to be incapable, a Lunatic, or of unsound Mind, setting forth that such Incapacity, Lunacy, or Unsoundness of Mind hath ceased, to cause Inquiry to be made in such Manner as to Her Majesty, with the Advice aforesaid, shall seem fit; and if upon such Inquiry it shall appear to Her Majesty that such Incapacity, Lunacy, or Unsoundness of Mind hath ceased, and that such Bishop or Archbishop hath become capable of again duly performing his Episcopal or Archiepiscopal Functions, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of *Great Britain* or *Ireland*, as the Case may be, to supersede and annul the Letters Patent so first issued; and thenceforward, and also in case of the Death of the Bishop or Archbishop so found to be incapable, all Powers and Authorities vested in any other Bishop or Spiritual Person on behalf of such Bishop or Archbishop shall cease.

XVI. And

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended this Session.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXIII.

An Act for granting Relief to the Islands of *Antigua*, *Saint Kitts*, *Nevis*, *Dominica*, and *Montserrat*.

[22d *August* 1843.]

WHEREAS, in consideration of the heavy Losses both of public and private Property which have been caused by Earthquakes in the Islands of *Antigua*, *Saint Kitts*, *Nevis*, *Dominica*, and *Montserrat*, it is expedient that Her Majesty should be empowered to make Advances of Money to the Legislatures of the said Islands for the immediate Relief of the Inhabitants thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in

Authorizing Issue of Exchequer Bills.

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

in another Act passed in the last Session of Parliament, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

5 & 6 Vict. c. 66.

Clauses in recited Acts extended to this Act.

II. And be it enacted, That all the Clauses of the said Acts shall be applied to the Exchequer Bills to be made out in pursuance of this Act as fully as if the said several Clauses had been herein particularly re-enacted.

Exchequer Bills to bear Interest.

III. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Three-pence *per Centum per Diem* in respect of the whole of the Monies respectively contained therein; and the Principal Sum contained in such Exchequer Bills, and the Interest accruing thereon, shall be made payable at such Times and at such Places as shall be fixed by the said Commissioners of Her Majesty's Treasury, or any Three or more of them; nevertheless, so that all such Bills as shall be made out for the Purposes of this Act shall be made payable within Three Years from the Date thereof, and the Principal Sum contained in every such Bill, with such Interest as aforesaid, computed from the Day upon which such Interest thereon shall have been already paid until the Time appointed for the Payment of the said Bills, shall be paid off and discharged upon the Days and Times respectively appointed for the Payment thereof.

Bills when due to be current at the Exchequer, &c.

IV. And be it enacted, That all the Exchequer Bills to be issued by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, after the respective Days on which they shall become payable, shall be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* and *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable or which shall hereafter be granted or payable to Her Majesty, Her Heirs and Successors, and also at the Banks of *England* or *Ireland*, to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Exchequer Bills issued under this Act may be lent for the Service of the Islands.

V. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to lend Exchequer Bills for any Sum or Sums not exceeding in the whole the Sum of One hundred and fifty thousand Pounds of the Exchequer Bills authorized to be issued under this Act; (that is to say,) any Sum not exceeding One hundred thousand Pounds for the Service of the Island of *Antigua*, and any Sums not exceeding in the whole Fifty thousand Pounds for the Service of the Islands of *Saint Kitts*, *Nevis*, *Dominica*, and *Montserrat*, in manner herein-after provided.

The Treasury may lend the said Sums to any Persons au-

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to lend the said several Sums to such Person or Persons as shall be duly authorized by any Act or Acts passed or to be passed by the several Legislatures of the said

Islands

Islands of *Antigua*, *Saint Kitts*, *Nevis*, *Dominica*, and *Montserrat* respectively to borrow the same, on the Credit of the Revenues or Public Property of the said Islands respectively, as soon as the said Commissioners shall be satisfied that Repayment of the several Sums so to be advanced, (with Interest thereon) at the yearly Rate of Four Pounds by the Hundred, is duly secured, to the Satisfaction of the said Commissioners, by some Act or Acts passed or to be passed by the several Legislatures of the said Islands respectively.

Islands authorized by the Legislatures of the Islands to borrow the same.

VII. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall deliver to the Person or Persons to whom any of the said Exchequer Bills shall be advanced a Certificate or Certificates under the Hands of Three or more of them, specifying the Amount of the Sums to be advanced, to be respectively numbered and marked in the Course and Order in which the same shall be delivered, which Certificate or Certificates being deposited with the proper Officer or Officers shall be a sufficient Authority, without other Warrant, to such Officer or Officers to deliver such Exchequer Bills to the like Amount and Value as shall be described in such Certificate or Certificates.

Certificate for delivering of Bills.

VIII. And be it enacted, That the Governor and Company of the Bank of *England* shall open and keep an Account in their Books with the said Commissioners under the Title of "The Commissioners of Her Majesty's Treasury on account of the *Antigua*, *Saint Kitts*, *Nevis*, *Dominica*, and *Montserrat* Relief Fund," and shall carry to the Credit of such Account the several Monies by this Act directed to be paid to the Cashiers of the said Bank; and whenever any of the said Commissioners shall have lent any of the said Exchequer Bills authorized to be advanced in pursuance of this Act to any Person or Persons, the said Commissioners shall, at some Time before the Time appointed for the Repayment of the Sums contained therein, deliver to such Person or Persons, at his or their Request, One or more Certificate or Certificates under the Hands of any Three or more of them, specifying the Amount of the Exchequer Bills advanced to such Person or Persons and the Amount of the Money to be received on account thereof; and the said Cashiers of the Bank or One of them shall, upon the Production of such Certificate or Certificates, receive from the Person or Persons producing the same the Amount of the Money therein mentioned to be receivable, and at the Foot of such Certificate or Certificates shall acknowledge the Receipt of the said Money, without Fee or Reward; and every Receipt so given as aforesaid shall be afterwards brought to the Office of Her Majesty's Exchequer, and shall be there entered in proper Books to be provided and kept for that Purpose by the Comptroller of the Exchequer, and the said Comptroller shall attest the same under his Hand, and return the same to the Person or Persons producing the same at the said Office; and every such Receipt so attested and every such Entry in any of the said Books shall thenceforth be a valid and effectual Acquittance and Discharge for the Sum or Sums expressed therein to have been received.

The Bank of England to open and keep an Account with the Commissioners.

IX. And be it enacted, That all Sums of Money which shall be paid into the Bank of *England* under this Act shall be transferred to

Money paid into the Bank to be subject

to the Uses herein specified.

to the Account kept by the Bank of *England* with Her Majesty's Exchequer, and shall be applied in the first place for paying off all the Exchequer Bills to be advanced by virtue of this Act, with such Interest as shall be payable thereon, at the respective Days and Times and in the Order and Course in which the same are directed to be discharged; and any Surplus which shall remain shall be made Part of the Consolidated Fund of *Great Britain* and *Ireland*.

Account to be laid before Parliament.

X. And be it enacted, That the Lord High Treasurer or Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament, within Fourteen Days next after the Fifth Day of *January* in every Year if Parliament shall be then sitting, and if not, then within Fourteen Days next after the Beginning of the next Session of Parliament, an Account of all Sums advanced to the said several Islands under this Act, and also an Account of all Sums repaid by reason of such Advances, with the Interest paid thereon, made up for the Year ending on the said Fifth Day of *January*.

Act may be amended this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

CAP. LXIV.

An Act for carrying into effect an Agreement between the Commissioners of Her Majesty's Woods and the Earl of *Haddington*, for the Purchase and Surrender of the Office of Hereditary Keeper of the Royal Park of *Holyrood House*; and for other Purposes relating thereto. [22d *August* 1843.]

WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Herself, Her Heirs and Successors, of the Palace of *Holyrood House*, adjacent to the City of *Edinburgh*, and of the Royal Park of *Holyrood House* contiguous thereto: And whereas His Majesty King *Charles* the First, by His Charter under the Great Seal of *Scotland*, bearing Date the Tenth Day of *August* in the Year of our Lord One thousand six hundred and forty-six, and of His Reign the Twenty-second Year, made and constituted Sir *James Hamilton* of *Priestfield*, Knight, and his Heirs Male, Hereditary Keepers of His said Majesty's Park of *Holyrood House*, and of all Parts and Penticles pertaining to the same, and gave to the said Sir *James Hamilton* and his aforesaids the Hereditary Office and Keepership of the said Royal

Charter of Charles I. to Sir J. Hamilton, 10th August 1646.

Park, with all Fees, Casualties, Duties, and Privileges whatsoever to the same pertaining, with full Power to the said Sir *James Hamilton* and his foresaids of admitting and constituting Under Keepers of the said Park, One or more, at their Pleasure, and for exercising their said Office gave, granted, and assigned to the said Sir *James Hamilton* and his foresaids heritably the particular Fees and Duties belonging to the same, with Power to the said Sir *James Hamilton* and his foresaids, by themselves and others in their Names having their Warrant, of uplifting the aforesaid Fees, Casualties, and Duties whatsoever to the said Park pertaining in all Time to come, and for all Years then past and unpaid, inhibiting all His said Majesty's Subjects from directly or indirectly, under whatever Pretext of Possession, Title, or Right, interfering with the said Park or any thing pertaining thereto in all Time to come, without a Licence or Right from the said Sir *James Hamilton* and his foresaids to the same first had and obtained, as they should answer to the contrary at their highest Peril, and commanded, willed, granted, and ordained that One Sasine to be taken in future by the said Sir *James Hamilton* and his foresaids in the said Park should be a sufficient Sasine for the said Hereditary Office of Keeper of the said Park, with the Meadows and Casualties to the same pertaining, to be holden of His said Majesty and His Successors in Free Blench Farm, Fee, and Heritage for ever, by all the righteous Meiths and Marches thereof as the same lie in Length and Breadth, with free Ish and Entry, and with all and singular Liberties, Commodities, Profits, Easements, and just Pertinents whatsoever, as well named as not named, and as well under the Earth as above the Earth, far or near, to the said Office belonging or justly appertaining howsoever, in future, freely, quietly, fully, wholly, honourably, well, and peaceably, without any Impediment, Revocation, Contradiction, or Obstacle whatsoever, the said Sir *James Hamilton* and his foresaids paying for the same every Year to His said Majesty and His Successors One Penny usual Money of the Kingdom of *Scotland* at the Feast of *Pentecost* in name of Blench Farm, if asked only: And whereas the said Sir *James Hamilton* having departed this Life was succeeded in the said Heritable Office by his Son and Heir Sir *James Hamilton* of *Priestfield*, conform to Retour of his Special Service dated the Fifth Day of *January* One thousand six hundred and sixty-six, Precept from the Chancery of *Scotland* dated the Ninth Day of *November* in the said Year One thousand six hundred and sixty-six, and Instrument of Sasine following thereon, dated the Tenth and recorded in the Particular Register of Sasines kept at *Edinburgh* the Nineteenth Day of *November* in the said Year One thousand six hundred and sixty-six: And whereas the said last-mentioned Sir *James Hamilton* having resigned his said Heritable Office into the Hands of the Lords Commissioners of Treasury and Exchequer, as the Commissioners of the Crown for receiving Resignations, and granting new Infeftments thereupon, in favour and for new Infeftments thereof to be made and granted to *Thomas* Earl of *Haddington*, in the Instrument of Resignation designed as Mr. *Thomas Hamilton*, Second lawful Son and Heir of Tailzie and Provision of *Charles* then late Earl of *Haddington*, deceased, a Charter of Resignation was granted by Their Majesties King *William* and Queen *Mary*, under the Great Seal of *Scotland*, bearing

Death of Sir James Hamilton, and Succession of his Son and Heir

Charter of Resignation by King William and Queen Mary to Thomas Earl of Haddington, 23d January 1691.

bearing Date the Twenty-third Day of *January* One thousand six hundred and ninety-one, and in the Second Year of Their Reign, to the said *Thomas* Earl of *Haddington*, and the Heirs Male of his Body, whom failing, to his other Heirs of Tailzie and Provision contained in the Rights and Infeftments of his Earldom and Estate of *Haddington*, and his Heirs and Assignees whatsoever, heritably and irredeemably, of all and whole the said Heritable Office of Keeper of the Park of *Holyrood House*, with all Rents, Profits, Duties, Meadows, Fees, Casualties, Privileges, and Emoluments whatsoever to the same pertaining and belonging, with the Power of admitting and constituting and of out-putting Under Keepers, One or more, at their Pleasure, and also with full Power of levying and receiving the annual and other Rents, Profits, and Duties to the same pertaining, lying within the County of *Edinburgh*, on which Charter the said *Thomas* Earl of *Haddington* was duly infeft conform to Instrument of Sasine, dated the Twenty-sixth Day of *September* and recorded in the said Particular Register of Sasines at *Edinburgh* the Twenty-fourth Day of *November* in the said Year One thousand six hundred and ninety-one: And whereas by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the First, intituled *An Act for vesting Part of the Estate of* Thomas *Earl of* Haddington *in Trustees, to be sold, and with the Monies arising thereby to purchase other Lands of the like Value, to be settled to the same Uses*, reciting that the Right Honourable *Charles* late Earl of *Haddington* having married the Right Honourable *Margaret* Countess of *Rothes*, by whom he had Issue Three Sons, *John* Lord *Lessly*, *Thomas Hamilton*, and *Charles Hamilton*, and the said Earl and Countess having made sufficient Provision for the said *John* Lord *Lessly*, their eldest Son, by the Honour and Estate of *Rothes*, the said *Charles* late Earl of *Haddington* being therefore minded to entail the Honour and Estate of *Haddington*, in such Manner as is therein-after mentioned, by his Deed of Settlement, bearing Date the First Day of *January* One thousand six hundred and eighty-four, granted, disponed, and conveyed the Earldom of *Haddington*, and State and Dignity thereof, and all and singular his Lordship's Baronies, Castles, Messuages, Lands, Tenements, and Hereditaments therein particularly mentioned and expressed, with their and every of their Appurtenances, to the said *Thomas Hamilton*, his Second Son (then Earl of *Haddington*), and the Heirs Male of his Body, and a certain other Series of Heirs therein mentioned, under the several Conditions, Provisions, Restrictions, Limitations, and Qualifications in the said Deed of Settlement mentioned; and also reciting, that in pursuance of the said Deed of Settlement the said Earldom and Estate of *Haddington* were resigned to the Crown, and a Grant thereof, by Charter under the Great Seal of *Scotland*, bearing Date the Twenty-fifth Day of *February* One thousand six hundred and eighty-seven, was afterwards obtained, wherein all the said prohibitory and irritant Clauses were inserted, by virtue whereof the said *Thomas* Earl of *Haddington* became seised thereof according to the Tenor of the said Deed and Charter; and further reciting, that Part of the said Estates lay very much dispersed, and at a great Distance from *Tyningham*, the Chief Seat or Mansion House of the said Earldom of *Haddington*, and consisted for the greatest Part only in Superiorities of very small yearly

6 G. 1. c. 2 *Pr.* for selling Part of the settled Estates of the Earl of Haddington, and purchasing others.

yearly Rents and Feu Duties, which occasioned much Charge and Expence in the Management and Collection thereof, and therefore that it would be very much for the Benefit and Advantage of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning*, his eldest Son and Heir Apparent, and their Heirs, and the said other Substitutes and Heirs of Entail and Provision, that such Part of the said entailed Estate as is therein-after (for that Purpose) particularly mentioned should be sold, and that the Money arising by such Sale should be applied and laid out in the Purchase of other Lands, Tenements, and Hereditaments, lying more contiguous to the said chief Seat or Mansion House, to be settled to the same Uses, and under the same Conditions, Provisions, Limitations, Restrictions, and Qualifications as the said Estate then stood settled under; it is therefore by the said Act enacted, that all and singular the several Messuages, Lands, Tenements, and Hereditaments therein mentioned should be vested and settled in and upon the Right Honourable *John* Earl of *Rothes*, Sir *John Anstruther* of *Anstruther*, Baronet, and *John Cockburne* younger, of *Ormstown*, their Heirs and Assigns, to the Use of them the said *John* Earl of *Rothes*, Sir *John Anstruther*, and *John Cockburne*, and their Heirs and Assigns for ever, freed and absolutely discharged of and from the aforesaid Deed of Settlement and Charter thereupon, under all and every the Conditions, Provisions, Limitations, Restrictions, and Qualifications therein contained or mentioned of or concerning the said Messuages, Lands, Tenements, Hereditaments, and Premises therein particularly expressed, and every or any of them, or any Part thereof, upon the special Trust and Confidence, nevertheless, and to the Intent that the said *John* Earl of *Rothes*, Sir *John Anstruther*, and *John Cockburne*, and the Survivors or Survivor of them, and the Heirs or Assigns of such Survivor, should make absolute Sale or Sales, together or in Parcels, of all and every or any of the said Messuages, Lands, Tenements, Hereditaments, and Premises thereby vested in the said *John* Earl of *Rothes*, Sir *John Anstruther*, and *John Cockburne*, and their Heirs, for the most Money and best Price that could be reasonably had or obtained for the same, by and with the good Liking and Approbation of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning* his Son, or the Survivor of them, testified under their Hands and Seals, or the Hand and Seal of the Survivor of them, and should, as soon as conveniently might be after such Sale or Sales, with such good Liking and Approbation as aforesaid, lay out and employ and dispose of all the Monies arising by such Sale or Sales in One or more Purchase or Purchases of other Messuages, Lands, Tenements, and Hereditaments lying more contiguous to the said chief Seat or Mansion House, and settle, convey, and assure the same, when purchased, unto and upon the same or the like Uses, Trusts, Intents, and Purposes, and with and under the same Conditions, Provisions, Limitations, Restrictions, and Qualifications, as the said Messuages, Lands, Tenements, and Hereditaments therein-before particularly mentioned were in and by the said recited Deed and Charter settled, conveyed, and assured, or as near thereunto as might be: And whereas the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning*, by Disposition, dated the Twenty-eighth Day of *October* and Eleventh Day of *November* in the Year One thousand seven hundred and twenty-four, and registered in the Books of

Disposition by the Earl of Haddington on Lord Binning of

of Council and Session the Twenty-sixth Day of *May* in the Year One thousand eight hundred and forty-three, reciting the said Act of Parliament, and also reciting that the said Sir *John Anstruther* and *John Cockburne*, the surviving Trustees appointed by the said Act, had, with the Consent of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning*, made Sales of certain Parts of the Messuages, Lands, Tenements, and Hereditaments specified in the said Act of Parliament, and, for the further Execution of the said Trust, had purchased with the Price thereof from the said *Thomas* Earl of *Haddington*, with the special Advice and Consent of the said *Charles* Lord *Binning*, certain unentailed Lands and Estates belonging to the said *Thomas* Earl of *Haddington*, and, amongst other, the said Office of Hereditary Keeper of the said Park and Pertinents thereof, therefore the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning* sold, alienated, and disponed the Lands of *Easter* and *Wester Broomhouses* and others, and the said Office of Hereditary Keeper of the said Park, with all Rents, Profits, Duties, Meadows, Fees, Casualties, Privileges, and Emoluments whatsoever pertaining and belonging to the same, to the said Sir *John Anstruther* and *John Cockburne*, surviving Trustees under the said Act of Parliament, their Heirs and Assignees, to the Intent the same might be settled and secured by the said Trustees, or the Survivor of them, or their Heirs, and conveyed and assured unto and upon the Uses, Intents, and Purposes unto and upon which the Lands directed to be purchased by the said Trustees with the Monies arising by the Sale or Sales of such Part of the said entailed Estate of *Haddington* as by the said Act they were empowered to sell and dispose of were appointed to be settled, secured, conveyed, and assured unto: And whereas the said Sir *John Anstruther* and *John Cockburne*, as surviving Trustees appointed by the said recited Act, by their Disposition and Deed of Entail, granted with the Consent of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning*, and executed under their respective Hands and Seals, bearing Date the Fourteenth, Sixteenth, and Twenty-seventh Days of *August* in the Year One thousand seven hundred and twenty-five, and registered in the Books of Council and Session the Twenty-sixth Day of *May* in the Year One thousand eight hundred and forty-three, reciting the said Act of Parliament, and also reciting that they the said surviving Trustees had, with Consent of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning*, made Sales of certain Parts of the Messuages, Lands, Tenements, Hereditaments, and others specified in the said Act of Parliament, for the several Prices or Purchase Monies contained in the respective Rights and Dispositions made by them to the Purchasers thereof, and, with a Sum of Money paid by them to the said *Thomas* Earl of *Haddington*, being a Part of the Prices arising from the said Sales, had purchased from him, and the said *Charles* Lord *Binning* his Son, the Lands and others thereinafter disponed, which pertained to them in absolute Fee and Property and at their free Disposal, and were then sold and disponed by them to the said Trustees conform to the Right and Disposition to the said Trustees therein mentioned and last herein-before recited; and also reciting a Contract of Marriage made and entered into betwixt the said *Charles* Lord *Binning*, with Consent of the said

unentailed Lands sold to Sir John Anstruther and John Cockburne, 28th October and 11th November 1724.

Disposition and Deed of Entail by Sir John Anstruther and John Cockburne, Esquire, 14th, 16th, and 27th August 1725.

Thomas Earl of *Haddington* his Father, and the said *Thomas* Earl of *Haddington* for himself, on the one Part, and *Rachel*, then Lady *Binning*, therein designed Mrs. *Rachel Baillie*, Second lawful Daughter to *George Baillie* of *Jerviswoode*, with Consent of her Father, on the other Part, of Date the Third Day of *September* One thousand seven hundred and seventeen, whereby the said *Thomas* Earl of *Haddington*, in contemplation of the said Marriage, bound and obliged him, his Heirs and Successors, to make lawful Resignation of the said Estate and Earldom of *Haddington* in the Hands of the Superiors thereof, in favours and for new Infeftments of the same to be made and granted to the said *Thomas* Earl of *Haddington* in Liferent, and to the said *Charles* Lord *Binning* in Fee, and the Heirs Male lawfully to be procreat of the Marriage betwixt him and the said *Rachel* Lady *Binning*, which failing, to the said *Thomas* Earl of *Haddington*, his other Heirs of Tailzie and Provision; therefore, to the Intent the Lands and Estates purchased by the said Trustees might be settled and secured by the said Trustees, or the Survivor of them, or their Heirs, and conveyed and assured unto and upon the Uses, Intents, and Purposes to which the Lands directed to be purchased by the said Trustees with the Monies arising by the Sale or Sales of such Part of the said entailed Estate of *Haddington* as by the said Act of Parliament they were empowered to dispose of were appointed to be settled, conveyed, and assured, the said Sir *John Anstruther* and *John Cockburne*, surviving Trustees aforesaid, settled, conveyed, transferred, and disponed, for them, their Heirs and Assigns, to and in favour of the said *Thomas* Earl of *Haddington* in Liferent, and the said *Charles* Lord *Binning* in Fee, and the Heirs Male lawfully procreate or to be procreate of his Body, which failing, to the Second, Third, or any other immediate younger Son successive lawfully procreate or to be procreate of the Body of the said *Thomas* Earl of *Haddington*, and the Heirs Male of their Bodies, which failing, to the Heirs Male of the Body of the said deceased *John* Earl of *Rothes*, which failing, to the eldest Daughter or Heir Female lawfully procreated or to be procreated of the Body of the said *Thomas* Earl of *Haddington*, successive without Division, which failing, to the eldest Daughter or Heir Female of the Body of the deceased *John* Earl of *Rothes*, successive without Division, which failing, to the Heirs Male of the Body of the deceased Lady *Margaret Hamilton*, who was the eldest Sister to the said deceased *Charles* Earl of *Haddington*, which failing, to the eldest Daughter or Heir Female of the Body of the said deceased Lady *Margaret Hamilton*, successive without Division, which failing, to the Heirs Male of the deceased Lady *Helen Hamilton*, who was Second Sister to the said deceased *Charles* Earl of *Haddington*, which failing, to the eldest Daughter and Heir Female of the Body of the said deceased Lady *Ellen Hamilton*, successive without Division, which failing, to the Heirs Male of the Body of the deceased Lady *Susanna Hamilton*, who was Third Sister to the said deceased *Charles* Earl of *Haddington*, which failing, to the eldest Daughter and Heir Female of the Body of the said deceased Lady *Susannah Hamilton*, successive without Division, which failing, to the Heirs Male of the Body of the deceased Lady *Margaret Hamilton*, thereafter Countess of *Kintore*,

who was Aunt to the said deceased *Charles* Earl of *Haddington*, which failing, to the eldest Daughter and Heir Female of the Body of the said Lady *Margaret Hamilton*, successive without Division, which all failing, to the nearest Heirs and Assignees whatsoever of the deceased *Charles* Earl of *Haddington*, the Lands of *Easter* and *Wester Broomhouses*, with Houses, Biggings, and Pertinents of the same, and the other Lands and Estates therein mentioned and described, and, amongst others, all and haill the Office and Custody of the Park of *Holyrood House*, with all Rents, Profits, Duties, Meadows, Fees, Casualties, Privileges, and Emoluments whatsoever pertaining and belonging to the same, with Power of admitting and constituting and also of out-putting under Keepers, One or more, in the said Park, and also with full Power of uplifting and receiving the yearly and termly Rents, Profits, and Duties belonging to the same, in all Time coming, lying within the Sheriffdom of *Edinburgh*, but always with and under the whole Conditions, Provisions, Limitations, Qualifications, and Irritances therein expressed, forming or purporting to form a Settlement of strict Entail according to the Law of *Scotland*, in virtue of which Disposition and Deed of Entail by the said Sir *John Anstruther* and *John Cockburne* the said *Thomas* Lord *Haddington* and *Charles* Lord *Binning* resigned the aforesaid Lands of *Easter Broomhouses* and others, and the said Office of Hereditary Keeper of the said Park, and thereupon obtained a Charter of Resignation in their Favour, in Terms of the foresaid Disposition and Deed of Entail, which Charter is dated the Twenty-sixth Day of *July* and sealed the Ninth Day of *September* in the Year One thousand seven hundred and twenty-eight, and the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning* were infeft for their respective Interests of Liferent and Fee, conform to Instrument of Sasine in their Favour dated the Seventh and Ninth and registered in the General Register of Sasines the Fifteenth Day of *October* in the Year One thousand seven hundred and twenty-nine: And whereas the said *Charles* Lord *Binning*, Fiar foresaid, having departed this Life on the Thirteenth Day of *January* One thousand seven hundred and thirty-three, he was succeeded, as Heir of Tailzie and Provision in the Fee of the said Lands and Heritable Office, by *Thomas* Lord *Binning* his Son, conform to Retour of his special Service dated the Eighth Day of *April* in the Year One thousand seven hundred and thirty-five, Precept from Chancery aforesaid dated the Twenty-third Day of the same Month of *April*, and Instrument of Sasine following thereon dated the Twenty-sixth Day of *April* and registered in the said General Register of Sasines the Thirtieth Day of *May* in the Year One thousand seven hundred and thirty-five: And whereas the said *Thomas* Lord *Binning*, on the Death of the said *Thomas* Earl of *Haddington* his Grandfather, and Liferenter foresaid, on the Twenty-eighth Day of *November* One thousand seven hundred and thirty-five, became Earl of *Haddington*, and, having departed this Life, he was succeeded as Heir foresaid in the said Lands and Heritable Office by his Son *Charles* Earl of *Haddington*, conform to the Retour of his special Service dated the Twenty-first Day of *December* in the Year One thousand seven hundred and ninety-five, Precept from Chancery aforesaid dated the Twenty-ninth Day of *December* in the Year One thousand seven hundred

Title to entailed Property by Thomas Lord Binning, as Heir of Charles Lord Binning his Father.

Title to entailed Property by Charles Earl of Haddington, as Heir to the said Thomas Lord Binning afterward Earl of Haddington.

hundred and ninety-five, and Instrument of Sasine following thereon dated the Fourth and registered in the Particular Register of Sasines at *Edinburgh* the Twenty-ninth Day of *January* in the Year One thousand seven hundred and ninety-six: And whereas the said *Charles* Earl of *Haddington*, having also departed this Life, he was succeeded as Heir foresaid in the said Lands and Heritable Office by his Son *Thomas* now Earl of *Haddington*, who stands infeft and seised therein, under the whole Limitations and Conditions contained in the said Disposition and Deed of Entail executed as aforesaid by the said Sir *John Anstruther* and *John Cockburne*, with the Advice and Consent of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning*, conform to the Retour of his special Service as Heir of Tailzie and Provision to his said Father, dated the Twenty-fifth Day of *April* in the Year One thousand eight hundred and twenty-eight, Precept from Chancery aforesaid dated the Second Day of *May* in the Year One thousand eight hundred and twenty-eight, and Instrument of Sasine following thereon dated the Third and registered in the General Register of Sasines the Sixth Day of *May* in the Year One thousand eight hundred and twenty-eight: And whereas by a Contract and Submission to Arbitration, bearing Date the Eighth Day of *April* One thousand eight hundred and forty-three, made between the Right Honourable *Henry Pelham Clinton* (commonly called the Earl of *Lincoln*), *Alexander Milne* Esquire, and the Honourable *Charles Alexander Gore*, therein described as the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of the Queen's most Excellent Majesty on the one Part, and the said *Thomas* Earl of *Haddington* on the other Part, reciting, that under or by virtue of the said Charters, bearing Date on or about the Tenth Day of *August* in the Year One thousand six hundred and forty-six, and the Twenty-third Day of *January* in the Year One thousand six hundred and ninety-one, and by divers subsequent Assurances and Acts in the Law, the Office of Hereditary Keeper of the Park of *Holyrood House*, commonly called the *King's Park*, near *Edinburgh*, and the whole Profits, Claims of Property, and other Rights thereunto legally annexed or appertaining, were then vested in the said Earl, but under and subject to the Fetters of an Entail; and also reciting, that it had been deemed expedient for the Public Service that the said Office, and the whole Profits, Claims of Property, and other Rights thereunto annexed, whether derived directly from Charters from the Crown in favour of the said Earl, his Authors or Predecessors, or from Usage or Possession following on such Charters, or otherwise howsoever, and all other the Estate, Right, Title, and Interest of the said Earl (if any) connected therewith, should be surrendered to and legally and effectually vested in Her Majesty, Her Heirs and Successors, for ever; and reciting, that the said Commissioners, on behalf aforesaid, by and with the Consent of the Lords Commissioners of Her Majesty's Treasury, had agreed with the said Earl for the absolute Purchase of the said Office, Interests, Rights, and Properties aforesaid (subject as thereinafter mentioned); and reciting, that certain Overtures and Correspondence had passed between the said Commissioners and the said Earl, and their respective Agents, with the view of fixing and ascertaining the Sum to be paid by the said Commissioners, on behalf of Her

Title to entailed Property by Thomas now Earl of Haddington as Heir to Charles Earl of Haddington.

Contract and Submission, 1843.

Her Majesty, for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the absolute Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties as aforesaid to Her Majesty, Her Heirs and Successors, and which proceeded on the Basis of certain Rentals of the said Park and Subjects, but that the said Parties thereto had been unable to agree about the said Sum, and that the said Commissioners and the said Earl, being desirous to have the Sum to be paid by the said Commissioners for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the absolute Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties, definitively fixed and ascertained by proper and competent Judges, had resolved and agreed to submit and refer the same in manner therein-after mentioned; and reciting, that the said Office, Interests, Rights, and Properties being held by the said Earl under the Fetters of an Entail it was not competent for him to sell the said Office, Interests, Rights, and Properties, nor after such Valuation should have been made in the Manner therein-after mentioned could a good and valid Conveyance, Disposition, and Surrender of the said Office, Interests, Rights, and Properties be made and granted to Her Majesty, Her Heirs and Successors, without the Authority of Parliament; it was thereby agreed, that the said Commissioners should, on behalf of Her Majesty, and within a reasonable Time, and without undue Delay, after the Date and Execution of the said Contract, apply for an Act of Parliament empowering the said Commissioners, on behalf of Her Majesty, to purchase, and the said Earl, on behalf of himself and all other Parties who were, could, should, or might be interested, to dispose of the said Office, Interests, Rights, and Properties aforesaid to Her Majesty, Her Heirs and Successors, and to grant or make to Her Majesty, Her Heirs and Successors, a good and valid Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties; and it was also agreed by the said Earl, so far as he was enabled so to do, that he should, upon being so empowered, sell, alienate, and dispose of the said Office, Interests, Rights, and Properties aforesaid to the said Commissioners, on behalf of Her Majesty, or as they should direct and appoint, at and for the Price or Sum to be fixed in manner therein-after mentioned, and that the said Commissioners should, on the Execution of a good, valid, and effectual Disposition or Surrender by the said Earl of the said Office, Interests, Rights, and Properties to Her Majesty, Her Heirs and Successors, make Payment of the Price or Sum to be fixed in manner therein-after mentioned in the Way and Manner to be specified in the Act of Parliament therein-before referred to; and in order that the said Sum to be paid by the said Commissioners, on behalf of Her Majesty, for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties, might be ascertained, the said Commissioners, on behalf of Her Majesty, and the said Earl, on behalf of himself and all other Persons interested, had agreed to submit and refer and thereby submitted and referred to the amicable Decision, final Sentence, and Decreet Arbitral (subject, nevertheless, to the same being ratified and confirmed in and by the Act of Parliament therein-before referred to,) to be pronounced by *David Low* Esquire, Professor

of Agriculture in the University of *Edinburgh*, and *Thomas Oliver* Esquire, residing at *Lochend*, near *Edinburgh*, Arbiters mutually chosen by the said Parties thereto, or, in case of Difference of Opinion between the said Arbiters, then to any Oversman, without Restriction as to the Class or Profession from which such Oversman might be selected, to be named by them after Acceptance, but before proceeding in the Matter of the said Submission, to fix and ascertain the Sum to be paid by the said Commissioners, on behalf of Her Majesty, for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties, and the Term of Entry from which the same were to be vested in Her Majesty, Her Heirs and Successors, under the Terms and Conditions therein-after mentioned; (that is to say,) Primo, that there should be produced to the said Arbiters or Oversman the Overtures, Correspondence, Rentals, and other Documents particularly mentioned in an Inventory thereof, signed by the Parties as relative thereto, including a Proposal or Offer of the yearly Sum of Four hundred and eighty Pounds Sterling, stated by the said Earl to have been made for a Lease of the Grazings of *Arthur's Seat*, with the Washing Green and Washing House, for a Term of Nineteen Years from *Candlemas* One thousand eight hundred and forty-two, dated the Twenty-fourth Day of *July* One thousand eight hundred and forty-one, by *James Scott*, and in respect the said Earl had been unable to recover the principal or original Proposal or Offer by the said *James Scott*, which had then fallen aside, it had been agreed between the Parties that there should in lieu and stead thereof be laid before the said Arbiters or Oversman, along with the said other Documents, a Letter by the said *James Scott* to *Matthew Buist*, Factor for the said Earl, dated the Fifteenth *March* One thousand eight hundred and forty-three, with Copy of the said Proposal or Offer prefixed, which Letter, with Copy of the said Proposal or Offer prefixed, should be held equivalent to the Production of the principal or original Proposal or Offer, and that these several Documents should form the Basis upon which the said Arbiters or Oversman should proceed in fixing the Sum to be paid by the said Commissioners, on behalf of Her Majesty, for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the Conveyance, Disposition, or Surrender of the said Office, Rights, Interests, and Properties as aforesaid; Secundo, that the Sum to be paid by the said Commissioners, on behalf of Her Majesty, for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties, to be fixed by the said Arbiters or Oversman, should not, so far as regards the Subjects to which the said Overtures and Correspondence were applicable, exceed the Sum of Thirty-two thousand Pounds, or be less than the Sum of Twenty-three thousand five hundred Pounds, but that the said Arbiters or Oversman should be at liberty to consider the said Proposal for a Lease stated to have been made by *James Scott*, under the Date of the Twenty-fourth *July* One thousand eight hundred and forty-one aforesaid, and any Objection that might be made thereto, and give to the same whatever Effect they

might deem such Proposal entitled to, separate and apart from the said maximum and minimum Prices of Thirty-two thousand Pounds and Twenty-three thousand five hundred Pounds respectively; Tertio, that the Sum to be paid as aforesaid, to be fixed by the said Arbiters or Oversman, should be in full Payment and Compensation of and for the said Office of Hereditary Keeper of the said Park, and the whole Profits, Claims of Property, and other Rights thereto legally annexed, whether derived directly from Charter from the Crown in favour of the said Earl or his Predecessors or Authors, or from Usage or Possession following on such Charter, or otherwise howsoever, together with all Property belonging to the said Earl lying contiguous to or in the Vicinity of the said Park, by whatever Title he held the same; Quarto, that, notwithstanding that the several Documents therein-before enumerated were to form the Basis upon which the said Arbiters or Oversman should proceed in fixing the Sum to be paid by the said Commissioners, on behalf of Her Majesty, for the said Office, Profits, Claims of Property, and other Rights as aforesaid, and in consideration of the Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties, they should nevertheless have full Power to take any other Means of obtaining such Information they might deem it necessary for them to possess to enable them fairly and satisfactorily to fix the said Price, and with that View to order Production by the Parties of or otherwise to procure such Evidence, written or parole, as they might deem necessary; and in respect that certain Questions might arise in course of the Proceedings under the now reciting Submission, as to the legal Rights of the Crown and the said Earl respectively in regard to the said Office of Hereditary Keeper, which might require to be determined and might fall to be decided before the Value of the said Earl's Interests in the said Park could be satisfactorily ascertained, the said Arbiters or Oversman should have full Power to take the Opinions of eminent Counsel for their Guidance in deciding in all such Questions, and generally with Power to them to take all manner of Probation and all other Steps that might appear to them to be necessary for determining the Matter thereby submitted, and to hear Parties thereon, if they thought proper; Quinto, that the said Arbiters should be bound to pronounce their Decreet Arbitral within Two Months after the last Date of the said Contract and Submission, if they agreed in opinion, and in the event of their differing in opinion, and referring the Matter submitted to an Oversman, as therein-before provided for, such Oversman should be bound to pronounce his Decreet Arbitral within One Month from the Date such Reference should be devolved on and accepted by him; and it was thereby further agreed, that the Expences of the said Reference should be defrayed by the said Commissioners and the said Earl mutually, including the Arbiters, Oversman's, and Clerk's Fees, and all other general and necessary Expences to be incurred by the Arbiters or Oversman, each Party being bound to defray the Expences to be incurred to their own Agents or others employed by them in conducting the Submission, and also that the Expences of applying for, bringing in, and procuring to be passed the Act of Parliament therein-before referred to, for confirming the Agreement thereby made and entered into, and for enabling the said Earl to alienate,

alienate, dispone, and grant Conveyance of the Office, Interests, Rights, and Properties aforesaid, in manner aforesaid, should be wholly borne by the said Commissioners, on behalf of Her Majesty; Sexto, and it was thereby agreed, that all Claims competent to Her Majesty, Her Heirs or Successors, or to the said Earl, or the said Commissioners, on behalf of Her Majesty, against the *Edinburgh and Dalkeith* Railway Company, should be reserved entire to the Parties respectively, and should subsist in full Force and Effect, notwithstanding that Submission or any Decreet Arbitral to be pronounced under the same, or Deed of Conveyance to be granted by the said Earl in implement thereof; lastly, it was also thereby agreed, that if the said Act of Parliament should not be applied for, procured, and passed, at the Instance and at the Expence of the said Commissioners, for the Purposes aforesaid, within Two Years from the last Date of the said Contract and Submission, or if the said Earl should depart this Life before the passing of the said Act of Parliament, then and in either of those Cases the said Contract and Submission, and every thing therein contained, should be utterly void and of no Effect whatever; and nothing therein contained, or which was or might be contained in any of the Overtures, Correspondence, Rentals, Papers, Writings, or other Documents therein referred to, or which was contained in any other Overtures, Correspondence, Papers, Writings, or other Documents which might have passed between the said Commissioners or their Agents and the said Earl or his Agents, or any of them, in anywise relating to the Purchase and Sale of the said Office of Hereditary Keeper, should be deemed, taken, or construed to impeach, lessen, prejudice, or derogate from the lawful Rights, Titles, and Interests of Her Majesty, Her Heirs or Successors, in or to the said Park, or the lawful Rights, Titles, or Interests of the said Earl as such Hereditary Keeper as aforesaid, or other the Hereditary Keeper of the said Park for the Time being: And whereas by a Decreet Arbitral or Award, bearing Date the Twenty-ninth Day of *June* One thousand eight hundred and forty-three, made and given forth by *Richard Trotter* Esquire, of *Morton Hall*, the Oversman chosen by the said Arbiters, reciting the said Contract and Submission; and also reciting that the said Arbiters having accepted of the said Submission, by a Minute endorsed on the said Submission, bearing Date the Seventeenth Day of *April* One thousand eight hundred and forty-three, whereby they also, before proceeding in the Matter of the said Submission, appointed the said *Richard Trotter* to be Oversman, and that he accepted of such Office, by a Letter dated the Twentieth Day of the said Month of *April*; and also reciting, that, after certain Proceedings had in the Matter of the said Submission, the said Arbiters having differed in opinion with regard to certain of the Points therein involved, they, by Minute dated the Second Day of *June* One thousand eight hundred and forty-three, devolved the Submission upon the said *Richard Trotter*, as the Oversman previously nominated in case of such Difference; and he the said Oversman having accepted of the said Submission so devolved upon him, and having considered the several Overtures, Correspondence, Rentals, and Offer for a Lease by the said *James Scott*, and whole other Documents which it was declared by the said Contract and Submission should

Award thereon, 29th June 1843.

should form the Basis upon which the said Arbiters or the said Oversman should proceed in fixing the Sum to be paid by the said Commissioners to the said Earl, together with the Claim and Answers, Opinion of Counsel, and whole other Writings and Documents produced, and having examined the Grounds, and heard Counsel for the Parties, in presence of their Agents respectively, and being well and ripely advised in the whole Matter, and having God and a good Conscience before his Eyes, the said Oversman did pronounce and give forth his final Sentence and Decree Arbitral, as follows; *videlicet*, he did thereby fix and ascertain the Sum to be paid by the said Commissioners, on behalf of Her Majesty, to the foresaid *Thomas* Earl of *Haddington*, for the said Office of Hereditary Keeper of the Park of *Holyrood House*, and the whole Profits, Claims of Property, and other Rights thereunto annexed or appertaining, whether derived directly from Charters from the Crown in favour of the said Earl, his Authors or Predecessors, or from Usage or Possession following on such Charters, or otherwise howsoever, and all other the Estate, Right, Title, and Interest of the said Earl connected therewith, and in consideration of the Conveyance, Disposition, or Surrender of the said Office, Interests, Rights, and Properties, at the Sum of Thirty thousand six hundred and seventy-four Pounds One Shilling and Eight-pence Sterling, and he thereby fixed and ascertained the Term of Entry from which the said Office, Interests, Rights, and Properties should be vested in Her Majesty, Her Heirs and Successors, to be the first Term of *Candlemas* that should happen subsequent to the passing of the Act of Parliament for ratifying and confirming the Sale and Surrender of the said Office, Rights, and Properties, which it was agreed should be applied for in Terms of the said Contract and Submission, reserving thereby entire to the Parties respectively, in Terms of the said Deed, all Claim competent to Her Majesty, Her Heirs or Successors, or to the said Earl, or to the said Commissioners, on behalf of Her Majesty, against the *Edinburgh and Dalkeith* Railway Company, which should subsist in full Force and Effect, notwithstanding the said Submission and Decreet Arbitral: And whereas it is expedient that the said recited Contract and Submission, and the said Decreet Arbitral or Award following thereon, should be carried into effect in manner herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before recited Contract and Submission, bearing Date the said Eighth Day of *April* One thousand eight hundred and forty-three, made between the said Right Honourable *Henry Pelham Clinton* (commonly called the Earl of *Lincoln*), *Alexander Milne*, and *Charles Alexander Gore*, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, on the one Part, and the said *Thomas* Earl of *Haddington* on the other Part, and the said herein-before recited Decreet Arbitral or Award of the said *Richard Trotter* following thereupon, dated the said Twenty-ninth Day of *June* One thousand eight hundred and forty-three, shall be and the same are hereby

The Contract or Agreement, and Award following thereon, confirmed.

hereby ratified and confirmed, and made valid and effectual, to all Intents and Purposes whatsoever, and the same shall be carried into effect in manner herein-after mentioned.

The Earl of Haddington not to incur any Irritancy.

II. And be it enacted, That the said *Thomas* Earl of *Haddington* shall not, by reason of his having entered into the said Contract and Submission, or implemented the said Decreet Arbitral, or of his having given his Consent and Approbation to the present Act, or of his having granted or executed, or hereafter granting or executing, any Deed, or having done or hereafter doing any Act in order to the Surrender of the said Office of Hereditary Keeper of the Park of *Holyrood House*, or which may be requisite for carrying the same, or the Provisions of this Act, into full and complete Operation and Effect, be deemed or taken to have incurred any Irritancy or Forfeiture under any Entail by which he holds the foresaid Office of Hereditary Keeper of the Park of *Holyrood House*, or others of his Estates, nor shall any future Heir of Entail entitled for the Time being to the said entailed Estates be deemed or taken to have incurred any Irritancy or Forfeiture by reason of his hereafter granting or executing any Deed or doing any Act for carrying the Provisions of this Act into execution.

Money to be paid into the Bank of Scotland in Name of Trustees.

III. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, do and shall pay or cause to be paid, out of the Produce of the Land Revenues of the Crown under their Care and Management, on or before the Term of *Candlemas* One thousand eight hundred and forty-four, the said Sum of Thirty thousand six hundred and seventy-four Pounds One Shilling and Eight-pence, into the Bank of *Scotland*, to an Account to be raised in the Books of the said Bank in the Names of *George William Hope* of *Luffness* in the County of *Haddington*, Esquire, and *Charles Baillie* of the City of *Edinburgh*, Advocate, or the Survivor of them, or the Heirs Male of such Survivor, as Trustees or Trustee, for re-investing the said Monies, and carrying into effect the other Purposes herein-after mentioned.

Receipt of the Bank to be a sufficient Discharge to the Commissioners.

IV. And be it enacted, That the Receipt of the Treasurer or other proper Officer of the said Bank of *Scotland* shall be a good and sufficient Discharge to Her Majesty, Her Heirs and Successors, and to the said Commissioners, for the said Sum of Thirty thousand six hundred and seventy-four Pounds One Shilling and Eight-pence so to be paid by them as aforesaid; and neither Her Majesty, Her Heirs or Successors, nor the said Commissioners, shall be in any way liable for or concerned with the Application, Misapplication, or Nonapplication of the Money so to be paid by them as aforesaid, or any Part thereof.

The Park, &c., thereupon to be vested in Her Majesty, freed from

V. And be it enacted, That immediately from and after the said Term of *Candlemas* One thousand eight hundred and forty-four, and such Payment being made into the said Bank of *Scotland* as aforesaid, the said Park of *Holyrood House* and other Premises comprised in the said Contract shall be and the same are, by force and virtue

of this Act, absolutely freed and discharged of and from the said Office of Hereditary Keeper of the Park of *Holyrood House* and Custody of the same, and of all Rents, Profits, Duties, Meadows, Fees, Casualties, Privileges, and Emoluments whatsoever pertaining and belonging to the same, and of and from the Power of admitting and constituting and also of out-putting Under Keepers, One or more, in the said Park, and also all Power of uplifting and receiving the yearly and termly Rents and Profits and Duties belonging to the same in Time coming, and of and from all other Rights, Privileges, Duties, and Emoluments whatsoever specified and contained or mentioned or referred to in the said Charter of King *Charles* the First, bearing Date the Tenth Day of *August* One thousand six hundred and forty-six, and in the said Charter of King *William* and Queen *Mary*, bearing Date the Twenty-third Day of *January* One thousand six hundred and ninety-one, or in any other Charter or Charters, Deed or Deeds, Instrument or Instruments, or from Usage or Possession following on such Charters or either of them, or in any other Way or on any other Account whatsoever, and of and from all other the Estate, Right, Title, and Interest, Claim of Right, Property, and Possession, both petitory and possessory, which he the said *Thomas* Earl of *Haddington*, and his Predecessors and Authors, or Heirs and Successors, had, have, or anywise may or might or could have, claim, or pretend to the said Office of Hereditary Keeper of the said Park of *Holyrood House*, and all Property and Rights annexed or appertaining thereto, or in any Manner in relation to the same, and also freed and absolutely exonerated and for ever discharged of and from all and every the Rights and Right of Property and other Rights competent to the said Earl of *Haddington* and the said Heirs of Entail under the said Disposition and Deed of Entail granted by the said Sir *John Anstruther* and *John Cockburne*, or the Investitures following thereupon, under the Reservations, Conditions, Provisions, Restrictions, and Limitations therein contained, and of and from all Incumbrances, Burdens, or Claims, of whatever Nature or Kind soever, anywise affecting the said Office, Profits, Rights, and others the Premises aforesaid, or with which the same were chargeable, or otherwise howsoever; but saving and reserving always entire, in Terms of the said Award, to Her Majesty, all Claims competent to Her, Her Heirs or Successors, or to the said Commissioners on Her Behalf, and also to the said Earl of *Haddington*, against the *Edinburgh and Dalkeith* Railway Company, which shall subsist and remain in full Force and Effect as if this Act had not been passed.

all the Rights and Interests of the Earl of Haddington and his Heirs of Entail.

VI. And be it enacted, That the said Royal Park of *Holyrood House* shall be deemed and taken to be Part and Parcel of the Hereditary Possessions and Land Revenues of Her Majesty, Her Heirs and Successors, in right of Her Crown, and all Laws, Provisions, and Regulations now in force for retaining the Sale or Demise of Her Majesty's Parks shall extend and apply to the Royal Park of *Holyrood House*: Provided nevertheless, that it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in such Manner as by Law is directed with regard to the Hereditary Revenues of the Crown (not being Royal Parks), to demise or lease any

Powers of other Acts to extend to Holyrood Park, subject to a Power to lease not exceeding One Tenth Part thereof.

any Part of the said Park, not exceeding in the whole One Tenth Part of the present Extent thereof, for the Purpose of the same being used as Sites for Dwelling Houses, public or ornamental Buildings, and the Offices and Gardens thereto to be annexed; and all the Powers, Provisions, Regulations, and Directions with regard to Leases to be granted by the said Commissioners of the Hereditary Revenues of the Crown under their Management shall extend and apply to such Part or Parts of the said Park so authorized to be leased as aforesaid: Provided also, that the said Office of Keeper of *Holyrood House* Park shall not hereafter be revived or granted to any Person or Persons for any Period or Purpose whatsoever.

Sums to be applied in the Purchase of Lands, to be conveyed to Heirs under Entail of 1725.

VII. And be it enacted, That the said *George William Hope* and *Charles Baillie*, as Trustees aforesaid, and their foresaids, may and shall, as Occasion may from Time to Time arise, with all convenient Speed, and with the Approbation of the Court of Session in either Division thereof, and under their Direction, and by and with the Consent of the said *Thomas* Earl of *Haddington*, or of the Heir of Entail for the Time being in Possession of the said entailed Estates, or the Tutors or Curators or other legal Guardians of such Heir, if under Age, or any other legal Disability or Incapacity, after Payment of all Expences incurred in the Matter of the said Trust, which they are hereby authorized to satisfy and pay in the first place, lay out, invest, and apply the said Sum of Thirty thousand six hundred and seventy-four Pounds One Shilling and Eight-pence so to be paid into the said Bank of *Scotland* as aforesaid, into the Account herein provided to be raised in the Books of the said Bank in the Names of the said Trustees as aforesaid, exclusive of Interest and all Accumulations thereof, in the Purchase of other Lands, Baronies, or Heritages in Fee Simple, and free from Incumbrances, in the County of *Haddington* or of *Berwick*, or as near thereto in *Scotland* as the same can conveniently be purchased or procured; and the Lands, Baronies, and Heritages so to be purchased as aforesaid shall be from Time to Time conveyed and disponed by the Seller thereof, or by the same purchasing Trustees or Trustee, and by the Directions of the Court of Session in either Division thereof, to the same Series of Heirs of Entail, and under the same Conditions, Provisions, Declarations, Reservations, Burdens, Faculties, Restrictions, and Clauses prohibitory, irritant, and resolutive, as in and by the before-recited Disposition and Deed of Entail executed by the said Sir *John Anstruther* and *John Cockburne*, with the Consent of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning* his Son, bearing Date the Fourteenth, Sixteenth, and Twenty-seventh Days of *August* in the Year One thousand seven hundred and twenty-five, registered in the Books of Council and Session the Twenty-sixth Day of *May* in the Year One thousand eight hundred and forty-three, are detailed and expressed of and concerning the Lands and Heritages therein contained, or such of them as shall be then existing undetermined and capable of taking effect, and not otherwise, and the Disposition so to be executed shall be so framed as to bind the Institute as well as every other Person succeeding as an Heir of Entail: Provided always, that the Lands and Heritages so to be purchased and disponed as aforesaid, and the said Capital Sum, until

until the same shall be laid out in such Purchase, shall be subject to and charged and chargeable with all Incumbrances, Burdens, or Claims whatsoever affecting the said Office, Profits, Rights, and others the Premises aforesaid, or with which the same was chargeable, the said Lands and Heritages and the said Capital Sum being to be deemed and taken in all respects and for all Purposes as a Surrogatum for the said Office, Profits, Rights, and Premises.

Till Purchases made, the Interest to be paid to the Earl of Haddington, or the Heir of Entail for the Time.

VIII. And be it enacted, That till such Purchases shall be made as aforesaid the Interest accruing on the said Capital Sum by reason of its Deposit in such Bank as aforesaid shall be paid to the said *Thomas* Earl of *Haddington*, or to the Heir of Entail or Person who for the Time being would have been entitled to the said Office, and the Rents, Profits, and Emoluments thereof, if this Act had not been made.

Surplus not exceeding 200*l.* to be paid to the Earl or Person who would have been entitled to Custody of the Park.

IX. And be it enacted, That if any Surplus, not exceeding Two hundred Pounds, shall remain at the Credit of the Account authorized by the Provisions of this Act to be raised in the Books of the said Bank in manner aforesaid, after satisfying and discharging the several Purposes herein-before mentioned, such Surplus shall be paid to the said Earl or other Person or Persons who would have been entitled to the Office of Hereditary Keeper of the said Park of *Holyrood House* for the Time being if the same had not been surrendered to Her Majesty, Her Heirs and Successors, or to the Heirs and Executors of the said Earl or of such other Person or Persons respectively.

Trustees to be discharged.

X. And be it enacted, That after having carried the Purposes of this Act into effect, so far as the same are committed to the said Trustees, it shall be lawful to such Trustees and their foresaids, if he or they shall think it necessary for his or their own Relief, to apply to the said Court of Session in either Division thereof, for a Discharge or Exoneration of their Proceedings, upon a Petition to be presented to the said Court in either Division thereof in a summary Way; and the said Court in either Division thereof is hereby required to order Production of the Accounts of the said Trustees, and after Consideration thereof, and if the same shall be found to be correct, to exonerate and discharge the said Trustees of his or their Intromissions, and to declare him and them quit and discharged thereof for ever.

Appointment of new Trustees.

XI. And be it enacted, That if the said *George William Hope* and *Charles Baillie*, or either of them, shall die, or be desirous to be discharged from or shall become incapable to act in the Trusts, Powers, and Authorities hereby in them vested, at any Time before the said Trusts, Powers, and Authorities shall have been fully performed and executed, then and in any of these Cases, when and so often as the same shall happen, it shall and may be lawful for the said Court of Session in either Division thereof, upon the Application either of the surviving Trustee or of the said *Thomas* Earl of *Haddington* or the Heir of Entail for the Time being in Possession of the said entailed Estates, or the Tutors or Curators or other legal Guardians of such Heir, if under Age or under any other legal Incapacity, to

appoint any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid in the Place and Stead of such Trustee and Trustees as shall die, or be desirous to be discharged from or shall become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given, and so from Time to Time as often as there shall be Occasion; and so often as any new Trustee or Trustees shall be appointed as aforesaid the Sums of Money paid to the Account of and vested in the said Trustees as aforesaid, and hereby vested in the said *George William Hope* and *Charles Baillie*, shall thereupon become legally and effectually vested in such new Trustee or Trustees, and the Survivor and Survivors of them, and the Heirs of such Survivor, upon the Trusts, and to and for the same Uses, Intents, and Purposes, and with, under, and subject to all the Powers and Authorities by this Act given and declared.

Majority of Trustees to be a Quorum.

XII. And be it enacted, That the major Part of the Trustees acting in the Business and Affairs of the said Trust for the Time, while more than Two survive or continue, shall be a legal and sufficient Quorum for carrying all the Purposes of this Act into execution, and any One of them who only shall survive or continue shall at all Times have full Power to act by himself alone.

Memorandum by the Earl of Haddington or Heir in Possession, of the Discharge of the Park from Office of Keeper, &c. to be registered.

XIII. And be it enacted, That a Memorandum of the Provision herein-before mentioned, by which the said Royal Park is freed and discharged of the said Office, Profits, Rights, and other Premises, signed by the said *Thomas* Earl of *Haddington* or the Person who for the Time being would have been Heir of Entail in Possession thereof had this Act not been passed, shall, as soon as conveniently may be after the said Term of *Candlemas* One thousand eight hundred and forty-four, and Payment of such Price as aforesaid, be registered in the General Register of Sasines and Reversions at *Edinburgh*, which Memorandum may be in the Form set forth in the Schedule to this Act.

Entail not to be innovated.

XIV. And be it enacted, That nothing herein contained shall be held or construed to alter, innovate, change, or defeat the herein-recited Disposition and Deed of Entail executed by the said Sir *John Anstruther* and *John Cockburne*, with the Consent of the said *Thomas* Earl of *Haddington* and *Charles* Lord *Binning* his Son, or the Order of Succession thereby established, excepting in so far as is necessary for carrying the Purposes of this Act fully into effect.

SCHEDULE referred to by the Act.

BE it remembered, That by virtue of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], the Royal Park of Holyrood House, and other the Premises in the said Act mentioned, were freed and absolutely discharged of and from the Office of Hereditary Keeper of the said Park and Custody of the same, and of all Rents, Profits, Duties, Meadows, Fees, Casualties, Privileges, and Emoluments whatsoever pertaining and belonging to the said Office, and of and from the Power of admitting and constituting and also of out-putting Under Keepers, One or more, in the said Park, and also all Power of uplifting and receiving the yearly and termly Rents and Profits and Duties belonging to the same in Time coming, and of and from all other Rights, Privileges, Duties, and Emoluments whatsoever specified and contained or mentioned and referred to in a Charter of King Charles the First, bearing Date the Tenth Day of August One thousand six hundred and forty-six, and in a Charter of King William and Queen Mary, bearing Date the Twenty-third Day of January One thousand six hundred and ninety-one, both which Charters are recited in the said Act, or in any other Charter or Charters, Deed or Deeds, Instrument or Instruments, or from Usage or Possession following on such Charters or either of them, or in any other Way or on any other Account whatsoever, and of and from all other the Estate, Right, Title, and Interest, Claim of Right, Property, and Possession, both petitory and possessory, which *Thomas* Earl of *Haddington*, in the said Act mentioned, and his Predecessors and Authors or Heirs and Successors, had, have, or anywise may or might or could have, claim, or pretend to the said Office, and all Property and Rights annexed or appertaining thereto or in any Manner in relation to the same, and also freed and absolutely exonerated and for ever discharged of and from all and every the Rights and Right of Property and other Rights competent to the said Earl of *Haddington* and his Heirs of Entail, under the Disposition and Deed of Entail granted by Sir *John Anstruther* and *John Cockburne* Esquire, bearing Date the Fourteenth, Sixteenth, and Twenty-seventh Days of *August* One thousand seven hundred and twenty-five, also in the said Act recited, or the Investitures following thereupon, and of and from all Incumbrances, Burdens, or Claims, of whatever Nature or Kind soever, anywise affecting the said Office, Profits, Rights, and others the Premises, or with which the same were chargeable, or otherwise howsoever.

*A.B.*_____
Witness.

*C.D.*_____
Witness.

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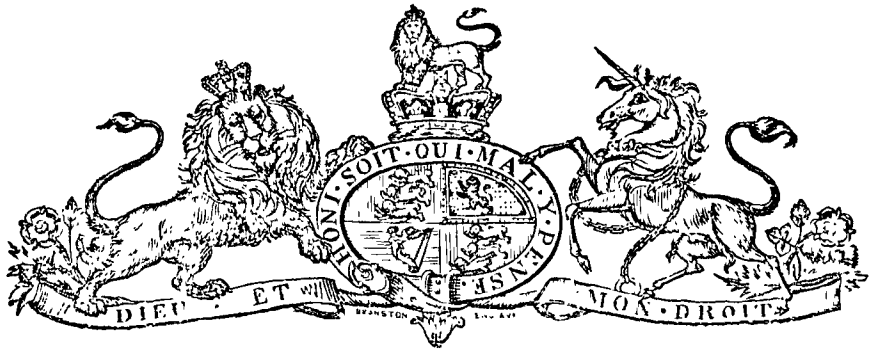

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXV.

An Act to amend the Laws relating to the Copyright of Designs. [22d *August* 1843.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture*, there was granted to the Proprietor of any new and original Design, with the Exceptions therein mentioned, the sole Right to apply the same to the ornamenting of any Article of Manufacture or any such Substance as therein described during the respective Periods therein mentioned: And whereas it is expedient to extend the Protection afforded by the said Act to such Designs herein-after mentioned, not being of an ornamental Character, as are not included therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall come into operation on the First Day of *September* One thousand eight hundred and forty-three. 5 & 6 Vict. c. 100. Commencement of Act.

II. And with regard to any new or original Design for any Article of Manufacture having reference to some Purpose of Utility, so far as Grant of Copyright.

as such Design shall be for the Shape or Configuration of such Article, and that whether it be for the whole of such Shape or Configuration or only for a Part thereof, be it enacted, That the Proprietor of such Design not previously published within the United Kingdom of *Great Britain* and *Ireland* or elsewhere shall have the sole Right to apply such Design to any Article, or make or sell any Article according to such Design, for the Term of Three Years, to be computed from the Time of such Design being registered according to this Act: Provided always, that this Enactment shall not extend to such Designs as are within the Provisions of the said Act, or of Two other Acts passed respectively in the Thirty-eighth and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, and intituled respectively *An Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned*, and *An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned.*

Proviso.

38 G. 3. c. 71.

54 G. 3. c. 56.

Conditions of Copyright.

III. Provided always, and be it enacted, That no Person shall be entitled to the Benefit of this Act unless such Design have before Publication thereof been registered according to this Act, and unless the Name of such Person shall be registered according to this Act as a Proprietor of such Design, and unless after Publication of such Design every Article of Manufacture made by him according to such Design, or on which such Design is used, hath thereon the Word "Registered," with the Date of Registration.

Penalty for wrongfully using Marks denoting a registered Design.

IV. And be it enacted, That unless a Design applied to any Article of Manufacture be registered either as aforesaid or according to the Provisions of the said first-mentioned Act, and also after the Copyright of such Design shall have expired, it shall be unlawful to put on any such Article the Word "Registered," or to advertise the same for Sale as a registered Article; and if any Person shall so unlawfully publish, sell, or expose or advertise for Sale any such Article of Manufacture, he shall forfeit for every such Offence a Sum not exceeding Five Pounds nor less than One Pound, which may be recovered by any Person proceeding for the same by any of the Remedies hereby given for the Recovery of Penalties for pirating any such Design.

Floor or Oil Cloths included in Class Six.

V. And be it enacted, That all such Articles of Manufacture as are commonly known by the Name of Floor Cloths or Oil Cloths shall henceforth be considered as included in Class Six in the said first-mentioned Act in that Behalf mentioned, and be registered accordingly.

Certain Provisions of 5 & 6 Vict. c. 100. to apply to this Act.

VI. And be it enacted, That all and every the Clauses and Provisions contained in the said first-mentioned Act, so far as they are not repugnant to the Provisions contained in this Act, relating respectively to the Explanation of the Term Proprietor, to the Transfer of Designs, to the Piracy of Designs, to the Mode of recovering Penalties, to Actions for Damages, to cancelling and amending Registrations, to the Limitation of Actions, to the awarding of Costs, to the Certificate of Registration, to the fixing and Application of Fees of Registration,

and to the Penalty for Extortion, shall be applied and extended to this present Act as fully and effectually, and to all Intents and Purposes, as if the said several Clauses and Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Appointment of Registrar, &c.

VII. And be it enacted, That so much of the said first-mentioned Act as relates to the Appointment of a Registrar of Designs for ornamenting Articles of Manufacture, and other Officers, as well as to the fixing of the Salaries for the Payment of the same, shall be and the same is hereby repealed; and for the Purpose of carrying into effect the Provisions as well of this Act as of the said first-mentioned Act, the Lords of the Committee of the Privy Council for the Consideration of all Matters of Trade and Plantations may appoint a Person to be Registrar of Designs for Articles of Manufacture, and, if the Lords of the said Committee see fit, an Assistant Registrar and other necessary Officers and Servants; and such Registrar, Assistant Registrar, Officers, and Servants shall hold their Offices during the Pleasure of the Lords of the said Committee; and such Registrar shall have a Seal of Office; and the Commissioners of Her Majesty's Treasury may from Time to Time fix the Salary or other Remuneration of such Registrar, Assistant Registrar, and other Officers and Servants; and all the Provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the Registrar, Deputy Registrar, Clerks, and other Officers and Servants thereby appointed and therein named, shall be construed and held to apply respectively to the Registrar, Assistant Registrar, and other Officers and Servants to be appointed under this Act.

Registrar's Duties.

Drawings.

VIII. And be it enacted, That the said Registrar shall not register any Design for the Shape or Configuration of any Article of Manufacture as aforesaid unless he be furnished with Two exactly similar Drawings or Prints of such Design, with such Description in Writing as may be necessary to render the same intelligible according to the Judgment of the said Registrar, together with the Title of the said Design, and the Name of every Person who shall claim to be Proprietor, or of the Style or Title of the Firm under which such Proprietor may be trading, with his Place of Abode, or Place of carrying on Business, or other Place of Address; and every such Drawing or Print, together with the Title and Description of such Design, and the Name and Address of the Proprietor aforesaid, shall be on One Sheet of Paper or Parchment, and on the same Side thereof; and the Size of the said Sheet shall not exceed Twenty-four Inches by Fifteen Inches; and there shall be left on One of the said Sheets a blank Space on the same Side on which are the said Drawings, Title, Description, Name, and Address, of the Size of Six Inches by Four Inches, for the Certificate herein mentioned; and the said Drawings or Prints shall be made on a proper geometric Scale; and the said Description shall set forth such Part or Parts of the said Design (if any) as shall not be new or original; and the said Registrar shall register all such Drawings or Prints from Time to Time as they are received by him for that Purpose; and on every such Drawing or Print he shall affix a Number corresponding to the Order of Succession in the Register, and he shall retain One Drawing or Print which he shall file at his Office, and the other he shall return to the Person

Person by whom the same has been forwarded to him; and in order to give a ready Access to the Designs so registered he shall keep a proper Index of the Titles thereof.

Discretionary Power as to Registry vested in the Registrar.

IX. And be it enacted, That if any Design be brought to the said Registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said Registrar to refuse to register such Design otherwise than under the present Act and in the Manner hereby provided; and if it shall appear to the said Registrar that the Design brought to be registered under the said first-mentioned Act or this Act is not intended to be applied to any Article of Manufacture, but only to some Label, Wrapper, or other Covering in which such Article might be exposed for Sale, or that such Design is contrary to public Morality or Order, it shall be lawful for the said Registrar, in his Discretion, wholly to refuse to register such Design: Provided always, that the Lords of the said Committee of Privy Council may, on Representation made to them by the Proprietor of any Design so wholly refused to be registered as aforesaid, if they shall see fit, direct the said Registrar to register such Design, whereupon and in such Case the said Registrar shall be and is hereby required to register the same accordingly.

Proviso.

Inspection of Index of Titles of Designs, &c.

X. And be it enacted, That every Person shall be at liberty to inspect the Index of the Titles of the Designs, not being ornamental Designs, registered under this Act, and to take Copies from the same, paying only such Fees as shall be appointed by virtue of this Act in that Behalf; and every Person shall be at liberty to inspect any such Design, and to take Copies thereof, paying such Fee as aforesaid; but no Design whereof the Copyright shall not have expired shall be open to Inspection, except in the Presence of such Registrar, or in the Presence of some Person holding an Appointment under this Act, and not so as to take a Copy of such Design, nor without paying such Fee as aforesaid.

Interpretation of Act.

XI. And, for the Interpretation of this Act, be it enacted, That the following Terms and Expressions, so far as they are not repugnant to the Context of this Act, shall be construed as follows; (that is to say,) the Expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them; and the Singular Number shall include the Plural as well as the Singular Number, and the Masculine Gender shall include the Feminine Gender as well as the Masculine Gender.

Alteration of Act.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXVI.

An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment.

[22d *August* 1843.]

WHEREAS an Act was passed in the Session of the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, by which, among other things, it was enacted, that the Clerk of the Dockets and Judgments in His said late Majesty's Court of King's Bench should cause every Warrant of Attorney and Cognovit Actionem in any personal Action, and every Copy thereof, which in and by the said recited Act are directed to be filed in his said Office, to be numbered, and should keep a Book or Books in his said Office in which he should cause to be fairly entered the Particulars in the said Act set forth, according to the Form contained in the Schedule to the said Act annexed, which said Book or Books, and every Warrant of Attorney and Cognovit Actionem, or Copy thereof, filed in the said Office, should be searched and viewed by all Persons at all seasonable Times, paying to the Officer for every Search against One Person the Sum of Sixpence, and no more: And whereas it is expedient that greater Facilities should be given to Persons in searching such

3 G. 4. c. 39

such Book or Books and obtaining the Information contained therein, and that the Provisions of the said Act should be enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said Officer of the said Court of Queen's Bench shall, in addition to the Book in and by the above-recited Act directed to be kept by him, keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Warrants of Attorney or Cognovits Actionem are filed in manner as directed by the said Act, the Names, Additions, and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney or Cognovits Actionem, but containing no farther Particulars thereof; which Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such Search the Sum of One Shilling, such Payment being in addition to the Payment of Sixpence provided by the said Act to be paid for every Search against One Person in the Book or Books provided to be kept under the Authority of the said Act.

In addition to the Book directed to be kept by the recited Act, another Book or Index shall be kept of Names, &c. of Persons to whom Warrants of Attorney are given; which shall be open to Inspection.

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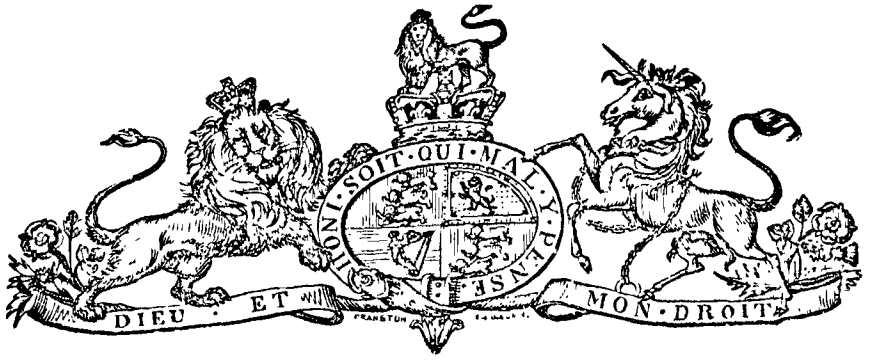

ANNO SEXTO & SEPTIMO

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and Franchises in Corporations and Boroughs, it was enacted, amongst other things, that in certain Cases therein mentioned, when a Writ of Mandamus should issue and a Return should be made thereunto, it should be lawful for the Person suing or prosecuting such Writ to plead to or traverse all or any of the material Facts contained within the said Return to which the Person making such Return should reply, take issue, or demur, and such further Proceedings in such Manner should be had therein for the Determination thereof as might have been had if the Person suing such Writ had brought his Action on the Case for a false Return: And
1 W. 4. c. 21. whereas by an Act passed in the First Year of the Reign of the late King *William* the Fourth the said Provision herein-before mentioned of the said herein first-recited Act was extended to Writs of Mandamus in all other Cases, and to the Proceedings thereon: And whereas in neither of the said recited Acts, nor in any other Act, is any Power or Authority given to the Person prosecuting such Writ of Mandamus to demur to the Return made to any such Writ, so that the Decision of the said Courts respectively as to the Validity of such Return could be reviewed by a Court of Error; for Remedy whereof, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
In order to object to a Return to a Mandamus the Prosecutor must demur.
and by the Authority of the same, That in all Cases in which the Person prosecuting any such Writ heretofore issued or hereafter to be issued shall wish or intend to object to the Validity of any Return already made or hereafter to be made to the same, he shall do so by way of Demurrer to the same, in such and the like Manner as is now practised and used in the Courts herein-before mentioned
Proceedings thereupon.
respectively in personal Actions; and thereupon the said Writ and Return and the said Demurrer shall be entered upon Record in the said Courts respectively, and such and the like further Proceedings shall be thereupon had and taken as upon a Demurrer to Pleadings in personal Actions in the said Courts respectively; and the said Courts respectively shall thereupon adjudge either that the said Return is valid in Law, or that it is not valid in Law, or that the Writ of Mandamus is not valid in Law; and if they adjudge that the said Writ is valid in Law, but that the Return thereto is not valid in Law, then and in every such Case they shall also by their said Judgment award that a peremptory Mandamus shall issue in that Behalf, and thereupon such peremptory Writ of Mandamus may be sued out and issued accordingly, at any Time after Four Days from the signing of the said Judgment; and it shall be lawful for the said Courts respectively, and they are hereby required, in and by their said Judgment to award Costs to be paid to the Party in whose Favour they shall thereby decide by the other Party or Parties.

Writ of Error upon the Judgment.
II. And be it enacted, That whenever any such Judgment as is herein-before mentioned shall be given, or whenever Issue in Fact or in Law shall be joined upon any Pleadings in pursuance of the said recited Acts or either of them, and Judgment shall be given thereon by any of the Courts aforesaid, it shall be lawful for any Party to the Record in any of such Cases, who shall think himself aggrieved by such Judgment, to sue out and prosecute a

Writ of Error for the Purpose of reversing the same, in such Manner and to such Court or Courts as a Party to any personal Action in the said Court may now sue out and prosecute a Writ of Error upon the Judgment in such Action; and such and the like Proceedings shall thereupon be had and taken, and such Costs awarded, as in ordinary Cases of Writs of Error upon Judgments of the said Courts respectively in personal Actions; and if the Judgment of such Court be reversed by the Court of Error, the said Court of Error shall thereupon by their Judgment not only reverse the same, but shall also in addition thereto give the same Judgment which the Court whose Judgment is so reversed ought to have given in that Behalf; and if by their said Judgment they shall award that a peremptory Writ of Mandamus shall issue, the same shall and may accordingly be issued by the proper Officer in the Office from which such Writs issue, as the Case may be, upon Production to him of an Office Copy of the said Judgment of the Court of Error, which shall be his Authority and Warrant for so doing: Provided always, that Bail in Error to the Amount of Fifty Pounds, or such other Sum as may by any Rule of Practice be appointed as herein-after provided, shall be duly put in within Four Days after the Allowance of the said Writ of Error, and the same shall afterwards be duly perfected according to the Practice of the Court wherein the said original Judgment was given, otherwise the Plaintiff in Error shall be deemed to have abandoned his Writ of Error, and the same shall not be further prosecuted.

Peremptory Writ of Mandamus.

III. And be it enacted, That no Action, Suit, or any other Proceeding shall be commenced or prosecuted against any Person or Persons whatsoever for or by reason of any thing done in obedience to any peremptory Writ of Mandamus issued by any Court having Authority to issue Writs of Mandamus.

Court of Error may make Rules.

IV. And be it enacted, That the said Courts of Error who are hereby empowered to take cognizance of the Matters aforesaid may make, and they are hereby directed to make, from Time to Time and as often as they shall see Occasion, such Rules of Practice in reference to the said Application and the Proceedings thereon, and in reference to the Writs of Error herein-before mentioned and the Proceedings thereon, and the Amount of Bail to be taken, as the said Courts respectively may deem necessary to effectuate the Intention of this Act in relation to the same respectively.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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common Players of Interludes; and another Act passed in the Twenty-eighth Year of the Reign of King *George* the Third, intituled *An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained*, shall be repealed: Provided always, that any Licence now in force granted by the Lord Chamberlain, or granted by any Justices of the Peace under the Provisions of the last-recited Act, shall continue in force for the Times for which the same were severally granted, or until revoked by the Authority by which they were severally granted.

28 G. 3. c. 30.

Proviso as to Licences now in force.

All Theatres for the Performance of Plays must be licensed.

II. And be it enacted, That, except as aforesaid, it shall not be lawful for any Person to have or keep any House or other Place of public Resort in *Great Britain*, for the public Performance of Stage Plays, without Authority by virtue of Letters Patent from Her Majesty, Her Heirs and Successors, or Predecessors, or without Licence from the Lord Chamberlain of Her Majesty's Household for the Time being, or from the Justices of the Peace as herein-after provided; and every Person who shall offend against this Enactment shall be liable to forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Twenty Pounds for every Day on which such House or Place shall have been so kept open by him for the Purpose aforesaid, without legal Authority.

What Licences shall be granted by the Lord Chamberlain.

III. And be it enacted, That the Authority of the Lord Chamberlain for granting Licences shall extend to all Theatres (not being Patent Theatres) within the Parliamentary Boundaries of the Cities of *London* and *Westminster*, and of the Boroughs of *Finsbury* and *Marylebone*, the *Tower Hamlets*, *Lambeth*, and *Southwark*, and also within those Places where Her Majesty, Her Heirs and Successors, shall, in their Royal Persons, occasionally reside: Provided always, that, except within the Cities and Boroughs aforesaid, and the Boroughs of *New Windsor* in the County of *Berks*, and *Brighthelmstone* in the County of *Sussex*, Licences for Theatres may be granted by the Justices as herein-after provided, in those Places in which Her Majesty, Her Heirs and Successors, shall occasionally reside; but such Licences shall not be in force during the Residence there of Her Majesty, Her Heirs and Successors; and during such Residence it shall not be lawful to open such Theatres as last aforesaid (not being Patent Theatres) without the Licence of the Lord Chamberlain.

Fee for Lord Chamberlain's Licence.

IV. And be it enacted, That for every such Licence granted by the Lord Chamberlain a Fee, not exceeding Ten Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain.

Licences may be granted by Justices.

V. And be it enacted, That the Justices of the Peace within every County, Riding, Division, Liberty, Cinque Port, City, and Borough in *Great Britain* beyond the Limits of the Authority of the Lord Chamberlain, in which Application shall have been made to them for any such Licence as is herein-after mentioned, shall, within Twenty-

one

one Days next after such Application shall have been made to them in Writing signed by the Party making the same, and countersigned by at least Two Justices acting in and for the Division within which the Property proposed to be licensed shall be situate, and delivered to the Clerk to the said Justices, hold a Special Session in the Division, District, or Place for which they usually act, for granting Licences to Houses for the Performance of Stage Plays, of the holding of which Session Seven Days Notice shall be given by their Clerk to each of the Justices acting within such Division, District, or Place; and every such Licence shall be given under the Hands and Seals of Four or more of the Justices assembled at such Special Session, and shall be signed and sealed in open Court, and afterwards shall be publicly read by the Clerk, with the Names of the Justices subscribing the same.

Fee for Justices Licence.

VI. And be it enacted, That for every such Licence granted by the Justices a Fee, not exceeding Five Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Justices, shall be paid to the Clerk of the said Justices.

To whom Licences shall be granted.

VII. And be it enacted, That no such Licence for a Theatre shall be granted by the Lord Chamberlain or Justices to any Person except the actual and responsible Manager for the Time being of the Theatre in respect of which the Licence shall be granted; and the Name and Place of Abode of such Manager shall be printed on every Play Bill announcing any Representation at such Theatre; and such Manager shall become bound himself in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than Five hundred Pounds, and Two sufficient Sureties, to be approved by the said Lord Chamberlain or Justices, each in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than One hundred Pounds, for the due Observance of the Rules which shall be in force at any Time during the Currency of the Licence for the Regulation of such Theatre, and for securing Payment of the Penalties which such Manager may be adjudged to pay for Breach of the said Rules, or any of the Provisions of this Act.

Rules for the Theatres under the Control of the Lord Chamberlain.

VIII. And be it enacted, That in case it shall appear to the Lord Chamberlain that any Riot or Misbehaviour has taken place in any Theatre licensed by him, or in any Patent Theatre, it shall be lawful for him to suspend such Licence or to order such Patent Theatre to be closed for such Time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any Patent Theatre or any Theatre licensed by him shall be closed on such public Occasions as to the Lord Chamberlain shall seem fit; and while any such Licence shall be suspended, or any such Order shall be in force, the Theatre to which the same applies shall not be entitled to the Privilege of any Letters Patent or Licence, but shall be deemed an unlicensed House.

Rules for enforcing Order in the

IX. And be it enacted, That the said Justices of the Peace at a Special Licensing Session, or at some Adjournment thereof, shall make

Theatres licensed by the Justices.

make suitable Rules for insuring Order and Decency at the several Theatres licensed by them within their Jurisdiction, and for regulating the Times during which they shall severally be allowed to be open, and from Time to Time, at another Special Session, of which Notice shall be given as aforesaid, may rescind or alter such Rules; and it shall be lawful for any One of Her Majesty's Principal Secretaries of State to rescind or alter any such Rules, and also to make such other Rules for the like Purpose, as to him shall seem fit; and a Copy of all Rules which shall be in force for the Time being shall be annexed to every such Licence; and in case any Riot or Breach of the said Rules in any such Theatre shall be proved on Oath before any Two Justices usually acting in the Jurisdiction where such Theatre is situated, it shall be lawful for them to order that the same be closed for such Time as to the said Justices shall seem fit; and while such Order shall be in force the Theatre so ordered to be closed shall be deemed an unlicensed House.

Proviso for the Universities of Oxford and Cambridge.

X. Provided always, and be it enacted, That no such Licence shall be in force within the Precincts of either of the Universities of *Oxford* or *Cambridge*, or within Fourteen Miles of the City of *Oxford* or Town of *Cambridge*, without the Consent of the Chancellor or Vice Chancellor of each of the said Universities respectively; and that the Rules for the Management of any Theatre which shall be licensed with such Consent within the Limits aforesaid shall be subject to the Approval of the said Chancellor or Vice Chancellor respectively; and in case of the Breach of any of the said Rules, or of any Condition on which the Consent of the Chancellor or Vice Chancellor to grant any such Licence shall have been given, it shall be lawful for such Chancellor or Vice Chancellor respectively to annul the Licence, and thereupon such Licence shall become void.

Penalty on Persons performing in unlicensed Places.

XI. And be it enacted, That every Person who for Hire shall act or present, or cause, permit, or suffer to be acted or presented, any Part in any Stage Play, in any Place not being a Patent Theatre or duly licensed as a Theatre, shall forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Ten Pounds for every Day on which he shall so offend.

No new Plays or Additions to old ones to be acted until submitted to the Lord Chamberlain.

XII. And be it enacted, That One Copy of every new Stage Play, and of every new Act, Scene, or other Part added to any old Stage Play, and of every new Prologue or Epilogue, and of every new Part added to an old Prologue or Epilogue, intended to be produced and acted for Hire at any Theatre in *Great Britain*, shall be sent to the Lord Chamberlain of Her Majesty's Household for the Time being, Seven Days at least before the first acting or presenting thereof, with an Account of the Theatre where and the Time when the same is intended to be first acted or presented, signed by the Master or Manager, or One of the Masters or Managers, of such Theatre; and during the said Seven Days no Person shall for Hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain, either before or after the Expiration of the said Period of Seven Days, shall disallow any Play, or any

Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, it shall not be lawful for any Person to act or present the same, or cause the same to be acted or presented, contrary to such Disallowance.

Fees to be paid for Examination of Plays, &c.

XIII. And be it enacted, That it shall be lawful for the Lord Chamberlain to charge such Fees for the Examination of the Plays, Prologues, and Epilogues, or Parts thereof, which shall be sent to him for Examination, as to him from Time to Time shall seem fit, according to a Scale which shall be fixed by him, such Fee not being in any Case more than Two Guineas, and such Fees shall be paid at the Time when such Plays, Prologues, and Epilogues, or Parts thereof, shall be sent to the Lord Chamberlain; and the said Period of Seven Days shall not begin to run in any Case until the said Fee shall have been paid to the Lord Chamberlain, or to some Officer deputed by him to receive the same.

The Lord Chamberlain may forbid any Play.

XIV. And be it enacted, That it shall be lawful for the Lord Chamberlain for the Time being, whenever he shall be of opinion that it is fitting for the Preservation of good Manners, Decorum, or of the public Peace so to do, to forbid the acting or presenting any Stage Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, anywhere in *Great Britain*, or in such Theatres as he shall specify, and either absolutely or for such Time as he shall think fit.

Penalty for acting Plays before they are allowed or after they have been disallowed.

XV. And be it enacted, That every Person who for Hire shall act or present, or cause to be acted or presented, any new Stage Play, or any Act, Scene, or Part thereof, or any new Prologue or Epilogue, or any Part thereof, until the same shall have been allowed by the Lord Chamberlain, or which shall have been disallowed by him, and also every Person who for Hire shall act or present, or cause to be acted or presented, any Stage Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, contrary to such Prohibition as aforesaid, shall for every such Offence forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding the Sum of Fifty Pounds; and every Licence (in Case there be any such) by or under which the Theatre was opened, in which such Offence shall have been committed, shall become absolutely void.

What shall be Evidence of acting for Hire.

XVI. And be it enacted, That in every Case in which any Money or other Reward shall be taken or charged, directly or indirectly, or in which the Purchase of any Article is made a Condition for the Admission of any Person into any Theatre to see any Stage Play, and also in every Case in which any Stage Play shall be acted or presented in any House, Room, or Place in which distilled or fermented Exciseable Liquor shall be sold, every Actor therein shall be deemed to be acting for Hire.

Proof of Licence in certain Cases to lie

XVII. And be it enacted, That in any Proceedings to be instituted against any Person for having or keeping an unlicensed Theatre, or for acting for Hire in an unlicensed Theatre, if it shall be

on the Party accused.

be proved that such Theatre is used for the public Performance of Stage Plays, the Burden of Proof that such Theatre is duly licensed or authorized shall lie on the Party accused, and until the contrary shall be proved such Theatre shall be taken to be unlicensed.

Proceedings begun before the passing of this Act may be discontinued.

XVIII. And be it enacted, That after the passing of this Act it shall be lawful for any Person against whom any Action or Information shall have been commenced, for the Recovery of any Forfeiture or pecuniary Penalty incurred under the said Act of the Tenth Year of the Reign of King *George* the Second, to apply to the Court in which such Action or Information shall have been commenced, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, for an Order that such Action or Information shall be discontinued, upon Payment of the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge (as the Case may be), upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, shall make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action or Information shall be forthwith discontinued.

Penalties how to be recoverable.

XIX. And be it enacted, That all the pecuniary Penalties imposed by this Act for Offences committed in *England* may be recovered in any of Her Majesty's Courts of Record at *Westminster*, and for Offences committed in *Scotland* by Action or summary Complaint before the Court of Session or Justiciary there, or for Offences committed in any Part of *Great Britain* in a summary Way before Two Justices of the Peace for any County, Riding, Division, Liberty, City, or Borough where any such Offence shall be committed, by the Oath or Oaths of One or more credible Witness or Witnesses, or by the Confession of the Offender, and in default of Payment of such Penalty together with the Costs, the same may be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to such Offender, if any there be above the Penalty, Costs, and Charge of Distress; and for Want of sufficient Distress the Offender may be imprisoned in the Common Gaol or House of Correction of any such County, Riding, Division, Liberty, City, or Borough for any Time not exceeding Six Calendar Months.

Appeal.

XX. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Order of such Justices of the Peace to appeal therefrom to the next General or Quarter Session of the Peace to be holden for the said County, Riding, Division, Liberty, City, or Borough, whose Order therein shall be final.

Appropriation of Penalties.

XXI. And be it enacted, That the said Penalties for any Offence against this Act shall be paid and applied in the first instance toward defraying the Expences incurred by the Prosecutor, and the Residue thereof (if any) shall be paid to the Use of Her Majesty, Her Heirs and Successors.

XXII. Pro-

XXII. Provided always, and be it enacted, That no Person shall be liable to be prosecuted for any Offence against this Act unless such Prosecution shall be commenced within Six Calendar Months after the Offence committed. Limitation of Actions.

XXIII. And be it enacted, That in this Act the Word "Stage-Play" shall be taken to include every Tragedy, Comedy, Farce, Opera, Burletta, Interlude, Melodrama, Pantomime, or other Entertainment of the Stage, or any Part thereof: Provided always, that nothing herein contained shall be construed to apply to any Theatrical Representation in any Booth or Show which by the Justices of the Peace, or other Persons having Authority in that Behalf, shall be allowed in any lawful Fair, Feast, or customary Meeting of the like Kind. Interpretation of Act.

XXIV. And be it enacted, That this Act shall extend only to *Great Britain*. Limits of the Act.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended this Session.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXIX.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-four, and to the End of the then next Session of Parliament, certain Turnpike Acts.

[22d *August* 1843.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for removing Doubts as to the Continuance of certain Local Turnpike Acts*, whereby all the Local Acts for regulating, making, or repairing Turnpike Roads in *Great Britain* (except as therein excepted), which, unless continued by some Public General Act, would have expired with the Session of Parliament in the Year One thousand eight hundred and thirty-four, or at any Time since, and at or before the End of the Session of the Year One thousand eight hundred and forty-one, were further continued: And whereas the said and also other like Acts will expire on or before the First of *October* next, or at the End of this Session of Parliament: And whereas it is expedient that all the said Acts be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Acts (except as excepted in the first-recited Act and as herein-

4 & 5 Vict. c. 9.

Continuance of Acts referred to

until 1st August 1844.

herein-after excepted) shall continue in force until the First Day of *August* in the Year One thousand eight hundred and forty-four, and to the End of the then next Session of Parliament.

This Act not to continue 3 G. 4. c. cxii. except as it repeals other Acts.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend to continue an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually amending certain Roads in the several Parishes of* Lambeth, Newington, Saint George Southwark, Bermondsey, *and* Christchurch *in the County of* Surrey, *and for watching, lighting, and otherwise improving the said Roads,* except so far as the said Act repeals any former Act.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Secretary at War to issue the Money required for the Pay of the Regular Militia.

That the Secretary at War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem*:

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*:

For each Serjeant Major, where one is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem*:

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem*:

For each Serjeant, One Shilling and Sixpence *per Diem*:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent Fund.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Secretary at War shall appoint.

II. And be it enacted, That, except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary at War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

III. And

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

III. And be it enacted, That every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expences on an Order signed by the Colonel.

Balance to form a Stock Purse.

IV. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

V. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

VI. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland* while disembodied, under certain Regulations; be it enacted, That the following Allowances shall be made and paid, to the Amount, under

under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem:*
To an Ensign, Two Shillings *per Diem:*
And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem:*

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VIII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

A Declaration to be taken to entitle Officers, &c. to such Allowances.

IX. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace of the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet,*)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I belonged to the
' of Militia when the same was disembodied,
' and that I have continued to serve therein from that Time until the
' Day of inclusive, as a [Lieutenant,
' Ensign, Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*];
' and that I was not, in my own Right or in the Right of my Wife,
' during any Part of the Period for which I now claim to receive my
' Allowance, (that is to say,) from the Day of
' to the Day of both
' inclusive, in the actual Possession and Enjoyment or Receipt of the
' Rents and Profits of Lands, Tenements, or Hereditaments of such

'an annual Value above Reprises as would qualify me to hold a 'Commission of Captain of a Company in the Militia; that I was 'not in Holy Orders; that I have not during the above Period held 'the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-'master, in any Regiment, Battalion, or Corps of Militia; that I did 'not hold or enjoy, nor did any Person for me hold or enjoy, during 'the said Period, any Place, Office, or Employment of Profit, Civil 'or Military, under the Crown or any other Government, besides 'the Allowance of a Day now claimed, except 'my Half Pay as a [of the Army *or* 'Navy *or* Marines, *or* of a Provisional Battalion formed from the 'Militia, *as the Case may be*], and any Pay and Allowances from the ' to the both Days inclusive, during which 'Period the Corps was assembled for Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Allowances to Officers reduced in 1829.

X. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

A Declaration to be taken by Officers claiming the said Allowances.

XI. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace in the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I was serving as '[Paymaster, Surgeon, *or* Quartermaster, *as the Case may be*,] in 'the of Militia at the Reduction of the Staff 'of the said Militia in One thousand eight hundred and twenty-'nine; and that I was not in Holy Orders during any Part of the 'Period for which I now claim to receive an Allowance, (that is to 'say,) from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy '*or* Marines, *or* of a Provisional Battalion formed from the Militia,

'*as the Case may be*], and except my Pay and Allowances from
'the to the both Days inclusive,
'during which Period the Militia was assembled for
'Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service; be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XIII. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended, and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer,

Commanding Officer may grant Leave of Absence.

Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XIV. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XV. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XVI. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVII. And

Allowance not to be paid while the Militia is embodied.

XVII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVIII. Provided always, and be it enacted, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea Pensions, &c.

XIX. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XX. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive,

XXI. And be it enacted, That every Adjutant of Regular Militia, appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof

whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, herein-before prescribed for the Retirement of Adjutants appointed before the

after a Service of 20 Years, if unfit for further Service, an Allowance of 8*s.* per Day; provided they do not hold certain other Appointments.

Adjutants appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c. an Allowance of 6*s.* per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Allowances to Adjutants, Surgeons, and Quartermasters.

XXII. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service; be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Right to Half Pay reserved.

Reduced Adjutants to receive 4s. per Day till 31st July 1844.

XXIII. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirtieth Day of *June* One thousand eight hundred and forty-three, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and forty-four, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIV. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*; be it enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of *June* One thousand eight hundred and forty-three to the Thirty-first Day of *July* One thousand eight hundred and forty-four.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44 and 26 G. 3. c. 107.

XXV. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance together with any Full Pay, Half Pay, or Allowance which was tenable, together with such reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of*

Parliament the Laws relating to the Militia in that Part of Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity. Proviso.

XXVI. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia; be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants had been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted. Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XXVII. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the* Tower Hamlets *in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for raising a Body of Miners in the* '*Counties of* Cornwall *and* Devon *for the Defence of the Kingdom* '*during the present War, and for the more effectually raising and* '*regulating a Body of Miners for the Defence of* Great Britain,' and of any other Acts relating to the said Militia; and in every County, Stewartry, Allowances to Clerks of General and Subdivision Meetings in England. 42 G. 3. c. 90. 37 G. 3. c. 25. 42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 19.

Manner of granting Allowances.

XXVIII. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial Schoolmaster [*or* Constable *or other Officer*] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.'

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXIX. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of

of the Persons presenting themselves for Enrolment; be it enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXX. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXI. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXII. And be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXIII. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House,

and all Arrears of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, which Presentment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; and the said Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided always, that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Proviso as to Amount of Rent.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXXIV. And be it enacted, That all Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXXV. And be it enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and forty-three until the First Day of *August* One thousand eight hundred and forty-four.

TABLE

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - -	2	2	0
In Counties furnishing from 201 to 400 Men -	3	3	0
Ditto - - from 401 to 600 Men -	4	4	0
Ditto - - from 601 to 800 Men -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto - 251 Names and upwards - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, et cetera, et cetera:			
To the Clerk of the General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under - - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, et cetera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; (videlicet,) For receiving Lists and hearing Appeals, For ballotting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon ballotted Men, each Precept -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the ballotting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men -	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - - -	0	15	0
Ditto from 251 Names and upwards - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, *to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.*			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - - -	0	5	0
Ditto from 51 to 150 Names - - - -	0	10	0
Ditto from 151 to 250 Names - - - -	0	15	0
Ditto from 251 and upwards - - - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day - - - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to ballotted and enrolled Men, per Day - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expences not exceeding Nine-pence per Mile, and the Expences of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

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sentments, among others, become Part of the adjoining Counties: And whereas Provision was made by the said last-mentioned Act for ascertaining the Proportion of any Debt incurred previous to the passing of the said Acts, to which any Precinct or Place not being under the Provisions of the said Acts Part of any such Borough would have been liable to contribute if the said Acts had not been passed; and further Provision for ascertaining and adjusting the Liabilities of such Precincts and Places, in respect of Sums included in Presentments made at the Spring or Summer Assizes of the Year One thousand eight hundred and forty-two, was made by an Act passed in the last Session of Parliament, intituled *An Act to enable Grand Juries at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in* Ireland; *and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in* Ireland: And whereas the said Provisions have not been acted upon in some Places by reason of Difficulties in the Presentment and Applotment of Grand Jury Cess: And whereas it has happened that the Grand Juries of certain Counties of Cities and Counties of Towns have, in error, presented to be raised off the same the whole of the Monies appointed to be paid to Contractors in respect of the public Ways within the former Liberties of such Cities or Towns instead of the Portion of such Monies payable in respect of the Portion of such Ways within the respective Boundaries of such Counties of Cities or Towns, as defined under the Provisions of the said recited Acts: And whereas it is necessary to make further Provision in respect of the Liabilities of such Precincts or Places not now included in such Counties of Cities or Counties of Towns; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Presentments made at the Spring or Summer Assizes of the present Year in and for any County of a City or County of a Town in *Ireland* shall include any Sum or Sums of Money presented for the Purpose of satisfying any lawful Debt incurred or accrued due and payable out of or by any such County of a City or County of a Town before the said first-recited Acts came into operation therein, or any Sum or Sums of Money payable to any Contractor in respect of any Portion of any public Way, or any other Monies whatsoever, in the Whole or Part, justly chargeable on any such Precinct or Place, it shall and may be lawful for the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, on the Application of Ten or more Persons liable to the Payment of Grand Jury Cess in any such County of a City or County of a Town, to appoint by Writing under his Hand a Barrister, not having any Interest in the Question, by his Award, to be made in Duplicate under his Hand and Seal, to assess the Proportion, if any, of the Sum or Sums so included in any such Presentment to which any Place or Precinct not now under the Provisions of the said recited Acts Part of such County of a City or County of a Town, for the Purposes of Grand Jury Presentments, may be justly liable; or if such Sum or Sums, or any of them, shall have been presented to be levied by Instalments, pursuant to the Provisions in that Behalf made by the said last-recited Act, or by the herein-after mentioned

5 & 6 Vict. c. 77.

If certain Presentments in the present Year include Sums for Debts incurred previous to the Operation of the first-recited Act, the Proportions to which detached Portions of Counties, &c. shall be liable shall be settled by Barristers appointed by the Lord Lieutenant.

mentioned Act of the present Session of Parliament, then and in such Case to assess the Proportion of such Instalments which ought to be paid and contributed by such Precinct or Place, and the Proportion of the Interest, if any, payable in respect of such Debt, or of any Advances made on account of such Instalments, which ought to be paid and contributed by such Precinct or Place; and such Arbitrator shall also assess the Costs of such Arbitration, and direct in what Proportion the same shall be paid by such County or any such Precinct or Place, and the same shall be presented accordingly by the respective Grand Juries; and the Proportion (if any) of the said Sum or Sums so presented, or if the Sum shall have been presented to be levied by Instalments as aforesaid, then and in such Case the Proportion (if any) of such Instalments, and of the Interest aforesaid, assessed by such Award on each such Precinct or Place, shall from Time to Time, until such Proportion shall have been fully paid and satisfied, be applotted, raised, and levied on and off such Precinct or Place as if the same had been duly presented by Warrant of the Treasurer of the County whereunto such Precinct or Place may be now annexed, and be by him paid over, when and as the same shall be raised and levied, to the Bank where the Treasurer of the County of the City or County of the Town of such Borough shall keep his Account, to be placed to his Credit therein; and the Sum or Sums, half-yearly Instalments, or Interest leviable off such County of a City or County of a Town as at present defined shall be *pro tanto* reduced; and such Award to be made as aforesaid shall be conclusive, and shall be sufficient Authority to the respective Treasurers for the Levy of the Sums therein specified.

Sums uncollected under former Levy to be added to Presentments of Instalments of Arrears 6 & 7 Vict. c. 32.

II. And whereas the Grand Juries of Counties of Cities and Counties of Towns were empowered by the said recited Act of the last Session of Parliament to provide for the Levy, by Instalments, with Interest thereon, of Arrears accrued due to Contractors and others by reason of the Difficulties heretofore existing in the Collection and Applotment of Grand Jury Cess, and further Provision was made for the like Purpose by an Act of the present Session of Parliament, intituled *An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in* Ireland: And whereas under the said Two last-recited Acts any Person who may have paid any Sum of Money under any Warrant theretofore issued for raising and levying any Sum or Sums of Money, the Levy whereof or any Portion whereof, by Instalments, shall be or have been provided for by Presentment under the said Provisions of the said Two last-recited Acts or either of them, is entitled to have Credit for the Money so paid under such former Warrant, and by reason thereof it is necessary, in order to raise the whole Amount due, that the Amount so presented shall include all Sums at any Time levied and paid under such former Warrant as well as the Sums remaining uncollected thereunder; be it therefore enacted, That in any Case in which the Grand Jury of any County of a City or County of a Town shall at the Summer Assizes of this present Year have made any Presentment under the said recited Enactments, or either of them, for the Levy, by Instalments, of Arrears accrued due as aforesaid in such County of a City or County of a Town, the Treasurer of such County

County of a City or County of a Town shall certify to the Clerk of the Crown of such County of a City or County of a Town the Amount of any Sums previously collected or levied under any such former Warrant as aforesaid; and such Clerk of the Crown is hereby authorized, under the Direction of the senior Judge of Assize who shall have presided at the said Summer Assizes, to amend such Presentment, by adding to the Sum mentioned in such Presentment the Amount of all Sums so certified by the Treasurer to have been previously collected or levied under any former Warrant as aforesaid, and inserting in such Presentment the total Amount of such Sums instead of the Sum mentioned therein; and such amended Presentment shall be good, valid, and effectual as if such Sum so inserted by the Clerk of the Crown had been duly presented by the Grand Jury, and the Presentment thereof duly fiated by the Court at such Assizes; and any Person who may have paid any Sum of Money under any Warrant heretofore issued for raising and levying any Sum or Sums of Money, the Levy whereof or any Portion whereof by Instalments, shall be or have been provided for by Presentment under the Provisions of this Act, shall be entitled to have Credit for the Money so paid under such former Warrant.

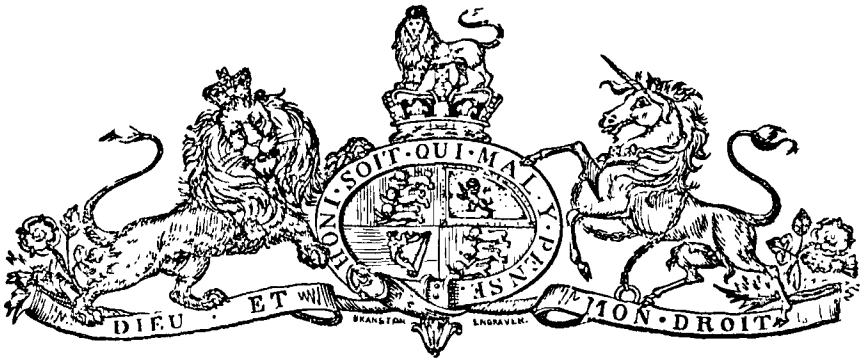
Presentments hereafter made to include Sums collected under any former Warrant.

III. And be it enacted, That any Presentment to be hereafter made under the Authority of the said recited Acts for the Levy, by Instalments, of any Arrears of Grand Jury Cess shall include all Sums collected or levied under any former Warrant for raising or levying any Sum or Sums of Money, the Levy whereof, by Instalment as aforesaid, shall be provided for by such Presentment.

Recited Acts and this Act construed as one Act.

IV. And be it enacted, That the said recited Acts of the last and present Session of Parliament and this Act shall be construed as one Act, except so far as the Provisions of any one of such Acts may repeal or alter the Provisions of any previous Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXII.

An Act to impose certain Stamp Duties, and to amend the Laws relating thereto.

[22d *August* 1843.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in* Great Britain, *and to grant other Duties in lieu thereof; and also to amend the Laws relating to the Stamp Duties*, certain Stamp Duties were granted upon Donations or Presentations by Her Majesty, or Her Heirs or Successors, of or to any Ecclesiastical Benefice, Dignity, or Promotion in *England*, and upon Collations by any Archbishop or Bishop to any such Ecclesiastical Benefice, Dignity, or Promotion: And whereas it is expedient that the said Duties should be paid upon all Donations, Presentations, and Collations of or to Ecclesiastical Benefices, Dignities, or Promotions in *England*, by whomsoever made or granted: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several and respective Duties by the said recited Act granted and imposed upon any Donation or Presentation by Her Majesty,

5 & 6 Vict. c. 79.

The Duties on Donations and Presentations by

Her Majesty to extend to all Donations and Presentations by whomsoever made.

Majesty, or Her Heirs or Successors, of or to any Ecclesiastical Benefice, Dignity, or Promotion in *England* shall be and the same are hereby respectively charged and made payable upon or for and in respect of every Donation or Presentation, by whomsoever made or granted, of or to any such Ecclesiastical Benefice, Dignity, or Promotion; and that the several Duties by the said Act granted and imposed upon any Collation by any Archbishop or Bishop to any Ecclesiastical Benefice, Dignity, or Promotion in *England* shall be and the same are hereby charged and made payable upon or for and in respect of every Collation to any such Ecclesiastical Benefice, Dignity, or Promotion, whether the same shall be made by any Archbishop or Bishop, or by any other ordinary or competent Authority.

The Certificate of the Value of the Benefice to be written upon the Donation, &c.

II. And be it enacted, That the Certificate of the Ecclesiastical Commissioners for *England* for ascertaining the Value of any Benefice, Dignity, or Promotion, as required by the said Act, shall in every Case be written upon the Instrument of Donation, Presentation, or Collation respectively charged with Duty by the said Act or this Act; and where Institution shall proceed upon the Petition of the Patron to be himself admitted and instituted, such Certificate shall be written upon the Instrument of Institution charged with Duty by the said Act, and no such Instrument as aforesaid shall be used or be available unless nor until such Certificate shall be so written thereon; and such Instrument shall be stamped to denote the proper Duty chargeable in respect thereof.

Stamp Duty payable on Certificates of Registration of a Design under 6 & 7 Vict. c. 65.

III. And whereas it is expedient to impose a Stamp Duty on every Certificate which may be issued of the Registration of a Design under the Authority of an Act passed in the present Session of Parliament, intituled *An Act to amend the Laws relating to the Copyright of Designs*; be it enacted, That there shall be charged and payable upon or for and in respect of every Certificate to be issued of the Registration of a Design under the Authority of the said last-mentioned Act a Stamp Duty of Five Pounds, to be denoted by a Stamp to be specially appropriated for expressing and denoting the said Duty, and to be impressed upon every such Certificate.

Extending the Powers of Stamp Acts to Duties in this Act.

IV. And be it enacted, That the said several and respective Duties hereby charged and made payable shall be under the Care and Management of the Commissioners of Stamps and Taxes; and all the Powers, Provisions, Regulations, Fines, Pains, and Penalties now in force relating to any Stamp Duties under the Care or Management of the said Commissioners shall be of full Force and Effect with respect to the several Duties hereby imposed, as far as the same are or shall be applicable, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, paying, accounting for, and securing of the said Duties hereby imposed, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duties hereby imposed.

The Duties on Marriage Bonds in

V. And whereas under and by virtue of another Act passed in the last Session of Parliament, intituled *An Act to assimilate the Stamp*

Duties in Great Britain *and* Ireland, *and to make Regulations for collecting and managing the same, until the Tenth Day of* October *One thousand eight hundred and forty-five*, Bonds entered into by Persons on obtaining Marriage Licences in *Ireland* are chargeable with a Stamp Duty of Twenty Shillings, and certain Releases of Freehold Property in *Ireland* are chargeable with the Stamp Duty payable for and in respect of a Bargain and Sale or Lease for a Year where no such Bargain and Sale or Lease for a Year is actually prepared and executed; and it is expedient to exempt from such Duty respectively all such Bonds, and also Leases for Lives of Property of small Value; be it therefore enacted, That from and after the passing of this Act the Duty of Twenty Shillings chargeable, under or by virtue of the said last-mentioned Act, upon or for or in respect of any Bond entered into by any Person on obtaining a Marriage Licence in *Ireland* shall cease and be no longer payable; and that no Lease, Release, Deed, or other Instrument for setting or demising Lands, Tenements, or Hereditaments in *Ireland* for any Term not exceeding Three Lives, where the annual Amount of the Rent reserved (any penal Rent or any increased or reserved Rent in the Nature of a penal Rent not being included in such Amount) shall not exceed Fifty Pounds, and the Fine or Consideration of the same shall not exceed Two hundred Pounds, nor any Counterpart or Duplicate thereof, shall be charged or chargeable with any Stamp Duty for or in respect of a Bargain and Sale or Lease for a Year therein mentioned or referred to in relation to such Lands, Tenements, or Hereditaments so set or demised therein or thereby; and the Recital of a Bargain and Sale or Lease for a Year of such Lands, Tenements, or Hereditaments in or upon any such Lease, Release, Deed, or other Instrument shall be as effectual in Law as the same would have been if the said last-mentioned Act had not been passed, any thing in the said Act contained to the contrary thereof in anywise notwithstanding.

Ireland repealed, and the Duty for a Lease for a Year not to be charged on Leases for Lives of Property of small Value. 5 & 6 Vict. c. 82.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended this Session.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXIII.

An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in *England* and *Wales*.

[22d *August* 1843.]

WHEREAS the Laws relating to Attornies and Solicitors are numerous and complicated, and it is expedient to consolidate and simplify and to alter and amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Acts and Parts of Acts set forth in the First Part of the First Schedule hereunto annexed, so far as the same relate to that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* and *Wales*, shall be and the same are hereby repealed, save only and except so far as such Acts or Parts of Acts, or any of them, repeal the Whole or any Part of the same or of any other Act or Acts, and also save and except so far as relates to any Matters or Things done at any Time before the passing of this Act, all which Matters and Things shall be and remain good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not passed, and also save and except as to the Recovery and Application of any

Repeal of former Acts.

Penalty for any Offence which shall have been committed before the passing of this Act: Provided always, that nothing in this Act shall be construed to repeal or alter any of the Acts or Parts of Acts mentioned to be saved in the Second Part of the First Schedule hereunto annexed.

No Person to act as an Attorney or Solicitor unless admitted and enrolled.

II. And be it enacted, That from and after the passing of this Act no Person shall act as an Attorney or Solicitor, or as such Attorney or Solicitor sue out any Writ or Process, or commence, carry on, solicit, or defend any Action, Suit, or other Proceeding, in the Name of any other Person or in his own Name, in Her Majesty's High Court of Chancery, or Courts of Queen's Bench, Common Pleas, or Exchequer, or Court of the Duchy of *Lancaster*, or Court of the Duchy Chamber of *Lancaster* at *Westminster*, or in any of the Courts of the Counties Palatine of *Lancaster* and *Durham*, or in the Court of Bankruptcy, or in the Court for the Relief of Insolvent Debtors, or in any County Court, or in any Court of Civil or Criminal Jurisdiction, or in any other Court of Law or Equity in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* and *Wales*, or act as an Attorney or Solicitor in any Cause, Matter, or Suit, Civil or Criminal, to be heard, tried, or determined before any Justice of Assize, of Oyer and Terminer, or Gaol Delivery, or at any General or Quarter Sessions of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place, or before any Justice or Justices, or before any Commissioners of Her Majesty's Revenue, unless such Person shall have been previously to the passing of this Act admitted and enrolled and otherwise duly qualified to act as an Attorney or Solicitor under or by virtue of the Laws now in force, or unless such Person shall after the passing of this Act be admitted and enrolled and otherwise duly qualified to act as an Attorney or Solicitor, pursuant to the Directions and Regulations of this Act, and unless such Person shall continue to be so duly qualified and on the Roll at the Time of his acting in the Capacity of an Attorney or Solicitor as aforesaid.

No Person to be admitted an Attorney or Solicitor unless he shall have served a Clerkship of Five Years.

III. And be it enacted, That, except as herein-after mentioned, no Person shall, from and after the passing of this Act, be capable of being admitted and enrolled as an Attorney or Solicitor, unless such Person shall have been bound by Contract in Writing to serve as Clerk for and during the Term of Five Years to a practising Attorney or Solicitor in *England* or *Wales*, and shall have duly served under such Contract for and during the said Term of Five Years, and also unless such Person shall, after the Expiration of the said Term of Five Years, have been examined and sworn in the Manner herein-after directed: Provided always, that any Person who now is or shall hereafter be bound by Contract in Writing to serve as Clerk to a practising Attorney or Solicitor of the Court of Common Pleas of the County Palatine of *Lancaster* or the Court of Pleas of the County Palatine of *Durham* respectively for the Term of Five Years, and shall continue in such Service for and during the said Term, and shall during the whole of such Term have been actually employed by such Attorney or Solicitor, or by the *London* Agent of any such Attorney or Solicitor, or by any practising Barrister or Special Pleader, with

Proviso as to Courts of Lancaster and Durham.

the Consent of such Attorney or Solicitor, for any Part of the said Term not exceeding One Year, shall be admitted and enrolled an Attorney of the said last-mentioned Courts respectively as heretofore, on his satisfying the Judges for the Time being of the said Courts respectively of his being qualified to act as an Attorney or Solicitor.

No Attorney to have more than Two Clerks at one Time, or to take or retain any Clerk after discontinuing Business, nor whilst Clerk to another.

IV. And be it enacted, That no Attorney or Solicitor shall have more than Two Clerks at one and the same Time who shall be bound by such Contract in Writing as aforesaid to serve him as Clerks; and that no Attorney or Solicitor shall take, have, or retain any Clerk who shall be bound by Contract in Writing as aforesaid after such Attorney or Solicitor shall have discontinued or left off practising as or carrying on the Business of an Attorney or Solicitor, nor whilst such Attorney or Solicitor shall be retained or employed as a Writer or Clerk by any other Attorney or Solicitor; and Service by any Clerk under Articles to an Attorney or Solicitor, for and during any Part of the Time that such Attorney or Solicitor shall be so employed as Writer or Clerk by any other Attorney or Solicitor, shall not be deemed or accounted as good Service under such Articles.

In case Attorney become bankrupt or insolvent, or be imprisoned.

V. And be it further enacted, That in case any Attorney or Solicitor to whom any Clerk shall be bound by Contract in Writing as aforesaid shall, before the End or Determination of such Contract, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, or be imprisoned for Debt and remain in Prison for the Space of Twenty-one Days, it shall be lawful for any of the said Courts of Law or Equity wherein such Attorney or Solicitor is admitted as aforesaid, upon the Application of such Clerk, to order and direct the said Contract to be discharged, or assigned to such Person upon such Terms and in such Manner as the said Court shall think fit.

Persons bound for Five Years may serve One Year with a Barrister or Special Pleader, and One Year with a London Agent.

VI. Provided always, and be it enacted, That any Person who now is or hereafter shall be bound by Contract in Writing to serve as a Clerk to a practising Attorney or Solicitor for the Term of Five Years, and who shall actually and *bonâ fide* be and continue as Pupil with and as such be employed by any practising Barrister, or any Person *bonâ fide* practising as a certificated Special Pleader, in *England* or *Wales*, for any Part of the said Term, not exceeding One whole Year, and in addition thereto or instead thereof with the *London* Agent of the Attorney or Solicitor to whom any such Person shall be so bound by Contract as aforesaid for any Part of the said Term not exceeding One Year, either by virtue of any Stipulation in such Contract, or with the Permission of such Attorney or Solicitor, shall be capable of being examined, and sworn and admitted and enrolled as an Attorney or Solicitor, in the same Manner as if he had served the whole of the said Period of Five Years with the Attorney or Solicitor to whom he may be so bound.

Any Person who has taken a Degree at Oxford,

VII. Provided always, and be it enacted, That any Person who shall have taken or who shall take the Degree of Bachelor of Arts within Six Years after his Matriculation, or the Degree of Bachelor of Laws

Cambridge, Dublin, Durham, or London, may act as an Attorney or Solicitor, upon having served a Clerkship of Three Years.

One Year with Agent.

Laws within Eight Years after his Matriculation, either in the University of *Oxford* or in the University of *Cambridge*, or in the University of *Dublin*, or in the University of *Durham*, or in the University of *London*, and who shall within Four Years after the Day whereon he shall have taken or shall take such Degree be bound by Contract in Writing to serve as a Clerk for and during the Term of Three Years to a practising Attorney or Solicitor in *England* or *Wales*, and shall have continued in such Service for and during the said Term of Three Years, and shall during the whole of such Term have been actually employed by such Attorney or Solicitor, or by the *London* Agent of such Attorney or Solicitor, with his Consent, for any Part of the said Term, not exceeding One Year, in the proper Business, Practice, or Employment of any Attorney or Solicitor, and who shall after the Expiration of the said Term of Three Years have been examined and sworn in the Manner herein-after directed, shall be capable of being admitted and enrolled as an Attorney or Solicitor, although he shall have served a Clerkship under such Contract as aforesaid for and during the Term of Three Years only.

Affidavit to be made and filed within Six Months of Execution of Articles, and the Articles to be enrolled;

VIII. And be it enacted, That whenever any Person shall after the passing of this Act be bound by Contract in Writing to serve as a Clerk to any Attorney or Solicitor as aforesaid, the Attorney or Solicitor to whom such Person shall be so bound as aforesaid shall, within Six Months after the Date of every such Contract, make and duly swear, or cause or procure to be made and duly sworn, an Affidavit or Affidavits of such Attorney or Solicitor having been duly admitted, and also of the actual Execution of every such Contract by him the said Attorney or Solicitor and by the Person so to be bound to serve him as a Clerk as aforesaid; and in every such Affidavit shall be specified the Names of every such Attorney or Solicitor and of every such Person so bound, and their Places of Abode respectively, together with the Day on which such Contract was actually executed; and every such Affidavit shall be filed within Six Months next after the Execution of the said Contract with and by the Officer appointed or to be appointed for that Purpose as herein-after mentioned, who shall thereupon enrol and register the said Contract, and shall make and sign a Memorandum of the Day of filing such Affidavit upon such Affidavit and also upon the said Contract.

If not filed within Six Months the Service to reckon from the Day of filing, unless, &c.

IX. Provided always, and be it enacted, That in case such Affidavit be not filed within such Six Months the same may be filed by the said Officer after the Expiration thereof, but the Service of such Clerk shall be reckoned to commence and be computed from the Day of filing such Affidavit, unless one of the said Courts of Law or Equity shall otherwise order.

Affidavit to be produced on applying for Admission.

X. And be it enacted, That no Person who shall from and after the passing of this Act become bound as aforesaid shall be admitted an Attorney or Solicitor before such Affidavit so marked as aforesaid shall have been produced to the Court or Judge to whom such Person shall apply to be admitted an Attorney or Solicitor, in pursuance of the Provisions herein-after contained, unless such Court or Judge

Judge shall be satisfied that the same cannot be produced, and shall think fit to dispense with the Production thereof.

Book to be kept for entering the Substance of Affidavits, with the Names, &c. of Attorney and Clerk, &c. which may be searched.

XI. And be it enacted, That the Officer so appointed or to be appointed for filing such Affidavits as aforesaid shall keep a Book wherein shall be entered the Substance of every Affidavit which shall be so filed as aforesaid, specifying the Name and Place of Abode of the Attorney or Solicitor to whom any Person shall be bound to serve as a Clerk, and of the Clerk or Person who shall be so bound as aforesaid, and of the Person making such Affidavit, with the Date of the Articles or Contract in such Affidavit mentioned or referred to, and the Days of swearing and filing every such Affidavit respectively; and such Officer shall be at liberty to take, at the Time of filing every such Affidavit, the Sum mentioned in the Second Schedule to this Act annexed, and no more, as a Recompence for his Trouble in filing such Affidavits and preparing and keeping such Books as aforesaid; and such Books shall and may be searched in Office Hours by any Person whomsoever, without Fee or Reward.

How Clerks to be employed.

XII. And be it enacted, That every Person who now is or hereafter shall be bound by Contract in Writing to serve as a Clerk to any Attorney or Solicitor shall, during the whole Time and Term of Service to be specified in such Contract, continue and be actually employed by such Attorney or Solicitor in the proper Business, Practice, or Employment of an Attorney or Solicitor, save only and except in the Cases herein-before mentioned.

Clerks whose Masters have died or left off Practice may enter into fresh Contracts for the Residue of their Term.

XIII. And be it enacted, That if any Attorney or Solicitor to or with whom any such Person shall be so bound shall happen to die before the Expiration of the Term for which such Person shall be so bound, or shall discontinue or leave off Practice as an Attorney or Solicitor, or if such Contract shall by mutual Consent of the Parties be cancelled, or in case such Clerk shall be legally discharged before the Expiration of such Term by any Rule or Order of the Court wherein such Attorney or Solicitor shall have been admitted, such Clerk shall and may in any of the said Cases be bound by another Contract or other Contracts in Writing to serve as Clerk to any other practising Attorney or Solicitor, or Attornies or Solicitors, during the Residue of the said Term, and Service under such second or other Contract in manner herein-before mentioned shall be deemed and taken to be good and effectual, provided that an Affidavit be duly made and filed of the Execution of such second or other Contract or Contracts within the Time and in the Manner herein-before directed, and subject to the like Regulations with respect to the original Contract and Affidavit of the Execution thereof.

Clerks before Admission to make Affidavit of having served.

XIV. And be it enacted, That every Person who shall have been or shall be bound as a Clerk as aforesaid shall, before he be admitted an Attorney or Solicitor according to this Act, prove, by an Affidavit of himself or of the Attorney or Solicitor to whom he was bound as aforesaid, or such Agent, Barrister, or Special Pleader as aforesaid, to be duly made and filed with the proper Officer herein-before mentioned, that he hath actually and really served and been employed by such practising Attorney, Solicitor, Agent, Barrister, or

Special Pleader, during the whole Time and in the Manner required by the Provisions of this Act, and in the Form to be approved by the Judges of the Court wherein such Person shall apply to be admitted.

Persons on applying for Admission as Attornies to be examined as to Fitness and Capacity.

XV. And be it enacted, That it shall be lawful for the Judges of the said Courts of Queen's Bench, Common Pleas, and Exchequer, or any One or more of them, and he and they is and are hereby authorized and required, before he or they shall issue a Fiat for the Admission of any Person to be an Attorney, to examine and inquire, by such Ways and Means as he or they shall think proper, touching the Articles and Service, and the Fitness and Capacity of such Person to act as an Attorney, and if the Judge or Judges as aforesaid shall be satisfied by such Examination, or by the Certificate of such Examiners, as herein-after mentioned, that such Person is duly qualified and fit and competent to act as an Attorney, then, and not otherwise, the said Judge or Judges shall and he and they is and are hereby

Oaths to be administered.

authorized and required to administer or cause to be administered to such Person the Oath herein-after directed to be taken by Attornies and Solicitors, in addition to the Oath of Allegiance, and after such Oaths taken to cause him to be admitted an Attorney of such Court, and his Name to be enrolled as an Attorney of such Court, which Admission shall be written on Parchment, and signed by such Judge or Judges respectively, and shall be stamped with the Stamps by Law required to be impressed on the Admission of Attornies.

Judges may appoint Examiners.

XVI. And for the Purpose of facilitating the Inquiry touching the due Service under Articles as aforesaid, and the Fitness and Capacity of any Person to act as an Attorney, be it enacted, That it shall be lawful for the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, (or any Eight or more of them, of whom the Chiefs of the said Courts shall be Three,) from Time to Time to nominate and appoint such Persons to be Examiners for the Purposes aforesaid, and to make such Rules and Regulations for conducting such Examination, as such Judges shall think proper.

The Master of the Rolls, before admitting any Person as a Solicitor, to inquire as to his Fitness and Capacity.

XVII. And be it enacted, That it shall be lawful for the Master of the Rolls and he is hereby authorized and required, before he shall admit any Person to be a Solicitor, to examine and inquire, by such Ways and Means as he shall think proper, touching the Fitness and Capacity of such Person to act as a Solicitor, and for that Purpose from Time to Time to appoint such Persons as Examiners, and to make such Orders and Regulations for conducting such Examination, as he shall think proper; and if the Master of the Rolls shall, by such Examination, or by the Certificate of such Examiners, be satisfied that such Person is duly qualified to be admitted to act as a Solicitor, then, and not otherwise, the Master of the Rolls shall and he is hereby authorized to administer or cause to be administered to such Person the Oath herein-after directed to be taken by Attornies and Solicitors, in addition to the Oath of Allegiance, and after such Oaths taken to cause him to be admitted a Solicitor in the Court of Chancery, and his Name to be enrolled as a Solicitor in such Court, which Admission shall be written on Parchment, and signed by the Master of the

Rolls, and shall be stamped with the Stamps by Law required to be impressed on the Admission of Solicitors.

The Master of the Rolls, jointly with the Judges, may appoint Examiners touching the Admission of Persons to act both as Attornies and Solicitors.

XVIII. Provided always, and be it enacted, That it shall be lawful for the Master of the Rolls, jointly with the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, or with any Eight or more of them, (of whom the Chiefs of the said Courts shall be Three,) if they shall see fit so to do, to nominate and appoint Examiners, and to make Rules and Regulations for conducting the Examinations of Persons applying to be admitted as Attornies and Solicitors, as well touching the Articles and Service as the Fitness and Capacity of such Persons to act both as Attornies and Solicitors; and if the Master of the Rolls or any of the Judges of the said Courts of Common Law shall, by such Examination, or by the Certificate of such Examiners, be satisfied that such Person is duly qualified to be admitted to act as an Attorney and Solicitor, then, and not otherwise, the Master of the Rolls as to the Court of Chancery, and one of the Judges as to the said Courts of Law at *Westminster*, shall and he is hereby authorized to administer or cause to be administered to such Person the Oath herein-after directed to be taken by Solicitors and Attornies, in addition to the Oath of Allegiance, and after such Oaths taken to cause him to be admitted an Attorney and Solicitor, and his Name to be enrolled as an Attorney of the said Courts of Law at *Westminster*, and also a Solicitor of the said High Court of Chancery, which Admissions shall be written on Parchment, and signed by the Master of the Rolls or one of the Judges of the said Courts of Law at *Westminster*, as the Case may be.

Attornies *and Solicitors, before Admission, to take Oath.*

XIX. And be it enacted, That every Person who shall pursuant to this Act apply to be admitted an Attorney or Solicitor shall, before he be admitted and enrolled as aforesaid, take and subscribe the Oath, or, if he be one of the People called Quakers, the Affirmation, following:

'I *A.B.* do swear [*or* solemnly affirm, *as the Case may be*], That I will truly and honestly demean myself in the Practice of an Attorney [*or* Solicitor, *as the Case may be*,] according to the best of my Knowledge and Ability. So help me GOD.'

The proper Officers for filing Affidavits of the Execution of Articles of Clerkship, and for having the Care of the Rolls.

Names of Attornies to be enrolled in alphabetical Order.

XX. And be it enacted, That from and after the passing of this Act the Masters of the several Courts of Law at *Westminster*, or such other Person or Persons as the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, shall for that Purpose severally and respectively appoint, shall be deemed and taken to be the proper Officers for filing such Affidavits as aforesaid in the said respective Courts, and they shall have the Custody and Care of the Rolls or Books wherein Persons are at present enrolled as Attornies in the said respective Courts, and shall and they are hereby respectively required from Time to Time, without Fee or Reward, other than such Sum or Sums as are mentioned in the Second Schedule hereunto annexed, to enrol the Name of every Person who shall be admitted an Attorney in the said respective Courts, pursuant

to

to the Directions in this Act, and the Time when admitted, in alphabetical Order, in Rolls or Books to be provided and kept for that Purpose in their several and respective Offices; and also that the Queen's Remembrancer in the Court of Exchequer or his Deputy, and the Chief Clerk of the Court of the Duchy Chamber of *Lancaster* at *Westminster* or his Deputy, and the Prothonotaries of the Courts of the Counties Palatine of *Lancaster* and *Durham* or their Deputies, or such Person or Persons as the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer shall jointly appoint, shall have the Custody and Care of the Rolls or Books wherein Persons are at present enrolled as Attornies and Solicitors in the said last-mentioned respective Courts, which said Prothonotaries of the Courts of the Counties Palatine of *Lancaster* and *Durham* or their Deputies, or such Person or Persons as shall be appointed as last mentioned, shall be deemed and taken to be the proper Officers for filing such Affidavits as herein-before mentioned in the Court of Common Pleas at *Lancaster* and the Court of Pleas at *Durham* respectively; and he and they is and are hereby respectively required from Time to Time, without Fee or Reward, other than such Sum or Sums of Money as are now payable, to enrol the Name of every Person who shall be admitted an Attorney in the said last-mentioned respective Courts pursuant to the Directions in this Act, and the Time when admitted, in alphabetical Order, in Rolls or Books to be provided and kept for that Purpose in their several and respective Offices; and also that the Senior Clerk of the Petty Bag Office in the Court of Chancery, or his Deputy, the Chief Clerk of the Duchy Chamber of *Lancaster* at *Westminster*, or his Deputy, the Registrars of the respective Courts of Equity in the Counties Palatine of *Lancaster* and *Durham*, or such other Person or Persons as the Master of the Rolls shall for that Purpose appoint, shall have the Custody and Care of the Rolls or Books wherein Persons are at present enrolled as Solicitors, and which said Clerk of the Petty Bag Office, or such other Person or Persons as shall be appointed as last mentioned, shall be deemed and taken as the proper Officer or Officers for filing such Affidavits as herein-before mentioned in the Court of Chancery; and he and they is and are hereby also respectively required from Time to Time, without Fee or Reward other than as last aforesaid, to enrol the Name of every Person who shall be admitted a Solicitor pursuant to the Directions in this Act, and the Time when admitted, in alphabetical Order, in Rolls or Books to be kept for that Purpose, to which Rolls or Books in the said Courts of Law or Equity respectively all Persons shall and may have free Access, without Fee or Reward.

Names of Solicitors to be enrolled in alphabetical Order.

Appointment of the Incorporated Law Society as Registrar of Attornies and Solicitors.

XXI. And be it enacted, That from and after the passing of this Act there shall be a Registrar of Attornies and Solicitors, and that it shall be the Duty of such Registrar to keep an alphabetical Roll or Book, or Rolls or Books, of all Attornies and Solicitors, and to issue Certificates of Persons who have been admitted and enrolled as Attornies or Solicitors, and are entitled to take out stamped Certificates authorizing them to practise as such; and it shall be lawful to and for the Lord Chief Justice of Her Majesty's Court of Queen's Bench, the

the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, (or any Three of them, of whom the Master of the Rolls shall be One,) to make such Orders, Directions, and Regulations touching the Performance and Execution of the Duties aforesaid as they shall think proper; and such Registrar, or some Person duly appointed by him, shall have free Access to and shall be at liberty from Time to Time to examine and take Copies or Extracts, without Fee or Reward, of all Rolls or Books kept for the Enrolment of Attornies and Solicitors in any of the Courts at *Westminster*, and for the Enrolment of Attornies and Solicitors in the Court of the Duchy of *Lancaster*, or Court of the Duchy Chamber of *Lancaster* at *Westminster*, or in any Courts of the Counties Palatine of *Lancaster* and *Durham*; and that the Duties of such Office of Registrar shall be performed by the incorporated "Society of Attornies, Solicitors, Proctors, and others, not being Barristers, practising in the Courts of Law and Equity of the United Kingdom," whether by their present or any future Charter of Incorporation, unless and until the Lord Chief Justice of the Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer (or any Three of them, of whom the Master of the Rolls shall be One,) shall, by any Order under their Hands, which Order they are hereby authorized and empowered to make, appoint any fit and proper Person to perform the said Duties in the Place and Stead of the said Society, (which said Person shall be called the Registrar of Attornies and Solicitors, and shall hold such Office or Employment during Pleasure only,) and so from Time to Time to appoint any other fit and proper Person, or the said Society, to perform the said Duties during Pleasure.

Commissioners of Stamps not to grant any Certificate until Registrar has certified that the Person applying is entitled thereto.

Commissioners to deliver all such Certificates yearly to the Registrar endorsed with the Date of granting Certificate.

XXII. And be it enacted, That from and after the Fifteenth Day of *November* next it shall not be lawful for the Commissioners of Stamps and Taxes, or any of their Officers, to grant or issue to any Person any stamped Certificate authorizing such Person to practise as an Attorney or Solicitor, unless nor until he shall leave with the said Commissioners, or their proper Officer, at the Head Office for Stamps and Taxes at *Somerset House* in the County of *Middlesex*, a Certificate from such Registrar as aforesaid that such Person is an Attorney or Solicitor, and entitled to take out such stamped Certificate; and the said Commissioners, or their proper Officer, shall deliver to the said Registrar, on the Sixth Day of *April* in every Year, or so soon afterwards as the said Registrar shall apply for the same, all such Registrar's Certificates under the Authority of which any stamped Certificates shall have been granted or issued since the Fifteenth Day of *November* preceding, with a Note or Memorandum endorsed or written thereon respectively by the proper Officer of the said Commissioners, stating the Date of the stamped Certificate granted or issued in respect thereof, and shall from Time to Time afterwards, whenever Application shall be made for that Purpose by the said Registrar, deliver to him all such other Registrar's Certificates under the Authority of which any stamped Certificates shall have been granted or issued upon or after the Sixth Day of *April* and before the Sixteenth Day of *November* in

every Year, with a like Note or Memorandum endorsed or written thereon respectively as aforesaid.

On Application for Certificate a Declaration to be signed and entered in a Book.

XXIII. And be it enacted, That for the Purpose of obtaining such Registrar's Certificate as aforesaid a Declaration in Writing, signed by such Attorney or Solicitor or by his Partner, or in case such Attorney or Solicitor shall reside more than Twenty Miles from *London*, then by his *London* Agent on his Behalf, containing his Name and Place of Residence, and the Court or One of the Courts of which he is then admitted an Attorney or Solicitor, together with the Term and Year in or as of which he was so admitted, shall be delivered to the said Registrar, who shall cause all the Particulars in such Declaration to be entered in a proper Book to be kept for that Purpose, which shall be open to the Inspection and Examination of all Persons without Fee or Reward; and the said Registrar shall, after the Expiration of Six Days after the Delivery of such Declaration, (unless he shall see Cause and have Reason to believe that the Party applying for such Certificate is not upon the said Roll of Attornies or Solicitors), deliver to the said Attorney or Solicitor, or to his Agent, on Demand, a Certificate in the Form set forth in the Third Schedule to this Act annexed, and which last-mentioned Certificate shall be delivered to and left with the Commissioners of Stamps and Taxes as herein-before directed.

On Registrar's Refusal, Application to be made to Court.

XXIV. And be it enacted, That in case the said Registrar shall decline to issue such Certificate as he is herein-before directed and required to give, the Party so applying for the same, if an Attorney, shall and may apply to any of the said Courts of Law at *Westminster*, or to any Judge thereof, or, if a Solicitor, to the Master of the Rolls, who are hereby respectively authorized to make such Order in the Matter as shall be just, and to order Payment of Costs by and to either of the Parties, if they shall see fit.

In case of Neglect to obtain a stamped Certificate, Application to be made to the Court or Judge.

XXV. And be it enacted, That if any Attorney or Solicitor shall neglect to procure an annual stamped Certificate authorizing him to practise as such within the Time by Law appointed for that Purpose, then and in such Case the said Registrar shall not afterwards grant a Certificate to such Attorney or Solicitor without the Order of the Master of the Rolls in the Case of a Solicitor, or of One of the Courts of Queen's Bench, Common Pleas, or Exchequer, or of One of the Judges thereof, in the Case of an Attorney, authorizing such Registrar to issue such Certificate; and it shall be lawful for the Master of the Rolls, or for such Court or Judge, to make such Order, upon such Terms and Conditions as he or they shall think fit.

Persons practising without Certificate incapable of recovering Fees.

XXVI. And be it enacted, That no Person who as an Attorney or Solicitor shall sue, prosecute, defend, or carry on any Action or Suit, or any Proceedings, in any of the Courts aforesaid, without having previously obtained a stamped Certificate which shall be then in force, shall be capable of maintaining any Action or Suit at Law or in Equity for the Recovery of any Fee, Reward, or Disbursement for or in respect of any Business, Matter, or Thing done by him as an Attorney or Solicitor as aforesaid whilst he shall have been without such Certificate as last aforesaid.

XXVII. And

Persons duly admitted in one Court capable of practising in all other Courts, on signing the other Rolls.

XXVII. And be it enacted, That every Person who shall have been duly admitted an Attorney of any One of the Superior Courts of Law at *Westminster* shall be entitled, upon the Production of his Admission therein, or an official Certificate thereof, and that the same still continues in force, to be admitted as an Attorney in any other of the said Courts, or in any Inferior Court of Law in *England* and *Wales*, upon signing the Roll of such other Court, but not otherwise, and shall thereupon be entitled to practise as an Attorney therein in like Manner as if he had been sworn in and admitted an Attorney of such Court; provided always, that no additional Fee besides those payable by virtue of this Act shall be demanded or paid; and that every Person who shall have been duly admitted a Solicitor of the High Court of Chancery shall be entitled, upon the Production of his Admission therein, or an official Certificate thereof, and that the same still continues in force, to be admitted as a Solicitor in any Inferior Court of Equity in *England* and *Wales*, and in the Court of Bankruptcy, upon signing the Roll of such other Court, but not otherwise, and shall thereupon be entitled to practise as a Solicitor therein in like Manner as if he had been sworn in and admitted a Solicitor of such Court; provided also, that no additional Fee besides those payable by virtue of this Act shall be demanded or paid.

Persons duly admitted in Chancery capable of practising in Bankruptcy and in all Inferior Courts of Equity.

Defects in the Service, &c. of Attornies not to disqualify Persons who have served them.

XXVIII. And be it enacted, That no Person who shall have duly served his Clerkship under Articles in Writing, pursuant to the Provisions of this Act, shall be prevented or disqualified from being admitted and enrolled as an Attorney or Solicitor, nor liable to be struck off the Roll if admitted, by reason or in consequence of the Attorney or Solicitor to whom he may have been bound by such Articles having been after such Service struck off the Roll; provided that such Clerk or Person be otherwise entitled to be admitted and enrolled, according to the Provisions herein-before contained.

Applications for striking Attornies off the Roll, for Defect in Articles, &c., to be made within 12 Months of Admission.

XXIX. And be it enacted, That no Person who has been admitted and enrolled shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or in the Registry thereof, or in his Service under such Articles, or in his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment; provided that such Articles, Registration, Service, Admission, or Enrolment be without Fraud.

Fee for registering Articles and Examination and Admission, and for Entry and Certificates. Increase or Diminution of Fees.

XXX. And be it enacted, That, until the same shall be varied or altered pursuant to the Provision herein-after contained, the several Sums of Money mentioned in the Second Schedule to this Act annexed shall and may be taken and received for the Services and Purposes mentioned and specified therein: Provided always, that it shall be lawful to and for the Lord Chief Justice of Her Majesty's Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, (or any Three of them, of whom the Master of the Rolls shall be One,) from Time to Time to diminish or increase the said Sums or any of them, as they shall see fit, so that by such Diminution they be not reduced to less than One Half, or by such Increase

Appropriation of Fees.

Increase be not made to exceed by more than One Half the Amount mentioned in the said Schedule; provided also, that it shall be lawful for the Lord Chief Justices and the Lord Chief Baron to make any Order or Orders for the Payment and Appropriation of the same Sums, so far as they concern the said Courts of Common Law, to such Persons and in such Manner as they shall think proper; and that it shall be lawful for the Master of the Rolls to make any Order or Orders for the Payment and Appropriation of the same Sums, so far as they concern the said High Court of Chancery, to such Persons and in such Manner as he shall think fit; and no greater or other Fees, Rewards, or Sums than herein-before mentioned or referred to shall be taken or received on any Pretence whatsoever.

Attornies not to commence or defend Suits if Prisoners.

XXXI. And be it enacted, That no Attorney or Solicitor who shall be a Prisoner in any Gaol or Prison, or within the Limits, Rules, or Liberties of any Gaol or Prison, shall or may, during his Confinement in any Gaol or Prison, or within the Limits, Rules, or Liberties of any Gaol or Prison, as an Attorney or Solicitor, in his own Name or in the Name of any other Attorney or Solicitor, sue out any Writ or Process, or commence or prosecute or defend any Action or Suit, in any Courts of Law or Equity, or Matter in Bankruptcy; and such Attorney or Solicitor so commencing, prosecuting, or defending any Action or Suit as aforesaid, and any Attorney or Solicitor permitting or empowering any such Attorney or Solicitor as aforesaid to commence, prosecute, or defend any Action or Suit in his Name, shall be deemed to be guilty of a Contempt of the Court in which any such Action or Suit shall have been commenced or prosecuted, and punishable by the said Courts accordingly, upon the Application of any Person complaining thereof; and such Attorney or Solicitor so commencing, prosecuting, or defending any Action or Suit as aforesaid shall be incapable of maintaining any Action or Suit at Law or in Equity for the Recovery of any Fee, Reward, or Disbursement for or in respect of any Business, Matter, or Thing done by him whilst such Prisoner as aforesaid, in his own Name or in the Name of any other Attorney or Solicitor.

Attornies not to act as Agents for Persons not qualified, &c.

XXXII. And be it enacted, That if any Attorney or Solicitor shall wilfully and knowingly act as Agent in any Action or Suit in any Court of Law or Equity, or Matter in Bankruptcy, for any Person not duly qualified to act as an Attorney or Solicitor as aforesaid, or permit or suffer his Name to be anyways made use of in any such Action, Suit, or Matter upon the Account or for the Profit of any unqualified Person, or send any Process to such unqualified Person, or do any other Act thereby to enable such unqualified Person to appear, act, or practise in any respect as an Attorney or Solicitor in any Suit at Law or in Equity, knowing such Person not to be duly qualified as aforesaid, and Complaint shall be made thereof in a summary Way to any of the said Superior Courts wherein such Attorney or Solicitor has been admitted, and Proof made thereof upon Oath to the Satisfaction of the Court that such Attorney or Solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such Case every such Attorney or Solicitor so offending shall and may be

struck off the Roll, and for ever after disabled from practising as an Attorney or Solicitor; and in that Case, and upon such Complaint and Proof made as aforesaid, it shall and may be lawful to and for the said Court to commit such unqualified Person so acting or practising as aforesaid to the Prison of the said Court, without Bail or Mainprize, for any Term not exceeding One Year.

No Attorney or Solicitor to be a Justice of the Peace.

XXXIII. And be it enacted, That no Attorney or Solicitor shall be capable to continue or be a Justice of the Peace for any County within that Part of *Great Britain* called *England*, or the Principality of *Wales*, during such Time as he shall continue in the Business and Practice of an Attorney or Solicitor.

Proviso for Places having Justices by Charter.

XXXIV. Provided always, and be it enacted, That the Prohibition last herein-before contained shall not extend or be construed to extend to any City or Town being a County of itself, or to any City, Town, Cinque Port, or Liberty having Justices of the Peace within their respective Limits and Precincts by Charter, Commission, or otherwise, but that in every such City, Town, Liberty, and Place Attornies or Solicitors may be capable of being Justices of the Peace, and in such Manner only as they might have been if this Act had never been made, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Prohibiting Persons not enrolled from suing out Writs, &c.

XXXV. And be it enacted, That from and after the passing of this Act, in case any Person shall in his own Name or in the Name of any other Person sue out any Writ or Process, or commence, prosecute, or defend any Action or Suit or any Proceedings in any Court of Law or Equity, without being admitted and enrolled as aforesaid, or being himself the Plaintiff or Defendant in such Proceedings respectively, every such Person shall and is hereby made incapable to maintain or prosecute any Action or Suit in any Court of Law or Equity for any Fee, Reward, or Disbursements on account of prosecuting, carrying on, or defending any such Action, Suit, or Proceeding, or otherwise in relation thereto; and such Offence shall be deemed a Contempt of the Court in which such Action, Suit, or Proceeding shall have been prosecuted, carried on, or defended, and shall and may be punished accordingly.

Prohibiting Persons unqualified from acting in the County Courts.

XXXVI. And be it enacted, That in case any Person shall commence or defend any Action, or sue out any Writ, Process, or Summons, or carry on any Proceedings, in the Court commonly called the County Court holden in any County in that Part of *Great Britain* called *England* and *Wales*, who is not or shall not then be legally admitted an Attorney or Solicitor according to this Act, or shall not himself be Plaintiff or Defendant in such Proceeding respectively, such Person shall and is hereby made incapable to maintain or prosecute any Action or Suit in any Court of Law or Equity for any Fee, Reward, or Disbursement on account of prosecuting, carrying on, or defending any such Action, Suit, or Proceeding, or otherwise in relation thereto; and such Offence shall be deemed a Contempt of the Court in which such Action, Suit, or Proceeding shall have been prosecuted, carried on, or defended, and shall and may be punished accordingly.

Attornies and Solicitors not to commence an Action for Fees till One Month after Delivery of their Bills.

XXXVII. And be it enacted, That from and after the passing of this Act no Attorney or Solicitor, nor any Executor, Administrator, or Assignee of any Attorney or Solicitor, shall commence or maintain any Action or Suit for the Recovery of any Fees, Charges, or Disbursements for any Business done by such Attorney or Solicitor, until the Expiration of One Month after such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall have delivered unto the Party to be charged therewith, or sent by the Post to or left for him at his Counting-house, Office of Business, Dwelling House, or last known Place of Abode, a Bill of such Fees, Charges, and Disbursements, and which Bill shall either be subscribed with the proper Hand of such Attorney or Solicitor, (or, in the Case of a Partnership, by any of the Partners, either with his own Name or with the Name or Style of such Partnership,) or of the Executor, Administrator, or Assignee of such Attorney or Solicitor, or be enclosed in or accompanied by a Letter subscribed in like Manner referring to such Bill; and upon the Application of the Party chargeable by such Bill within such Month it shall be lawful, in case the Business contained in such Bill or any Part thereof shall have been transacted in the High Court of Chancery, or in any other Court of Equity, or in any Matter of Bankruptcy or Lunacy, or in case no Part of such Business shall have been transacted in any Court of Law or Equity, for the Lord High Chancellor or the Master of the Rolls, and in case any Part of such Business shall have been transacted in any other Court, for the Courts of Queen's Bench, Common Pleas, Exchequer, Court of Common Pleas at *Lancaster*, or Court of Pleas at *Durham*, or any Judge of either of them, and they are hereby respectively required, to refer such Bill, and the Demand of such Attorney or Solicitor, Executor, Administrator, or Assignee, thereupon to be taxed and settled by the proper Officer of the Court in which such Reference shall be made, without any Money being brought into Court; and the Court or Judge making such Reference shall restrain such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, from commencing any Action or Suit touching such Demand pending such Reference; and in case no such Application as aforesaid shall be made within such Month as aforesaid, then it shall be lawful for such Reference to be made as aforesaid, either upon the Application of the Attorney or Solicitor, or the Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill may have been so as aforesaid delivered, sent, or left, or upon the Application of the Party chargeable by such Bill, with such Directions and subject to such Conditions as the Court or Judge making such Reference shall think proper; and such Court or Judge may restrain such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, from commencing or prosecuting any Action or Suit touching such Demand pending such Reference, upon such Terms as shall be thought proper: Provided always, that no such Reference as aforesaid shall be directed upon an Application made by the Party chargeable with such Bill after a Verdict shall have been obtained or a Writ of Inquiry executed in any Action for the Recovery of the Demand of such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, or after the

Reference of Bills, whether relating to Business transacted in Court or not, for Taxation.

Taxation after One Month.

Taxation after Twelve Months, under special Circumstances.

Expiration of Twelve Months after such Bill shall have been delivered, sent, or left as aforesaid, except under special Circumstances, to be proved to the Satisfaction of the Court or Judge to whom the Application for such Reference shall be made; and upon every such Reference, if either the Attorney or Solicitor, or Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill shall have been delivered, sent, or left, or the Party chargeable with such Bill, having due Notice, shall refuse or neglect to attend such Taxation, the Officer to whom such Reference shall be made may proceed to tax and settle such Bill and Demand *ex parte;* and in case any such Reference as aforesaid shall be made upon the Application of the Party chargeable with such Bill, or upon the Application of such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, and the Party chargeable with such Bill shall attend upon such Taxation, the Costs of such Reference shall, except as herein-after provided for, be paid according to the Event of such Taxation; that is to say, if such Bill when taxed be less by a Sixth Part than the Bill delivered, sent, or left, then such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall pay such Costs; and if such Bill when taxed shall not be less by a Sixth Part than the Bill delivered, sent, or left, then the Party chargeable with such Bill, making such Application or so attending, shall pay such Costs; and every Order to be made for such Reference as aforesaid shall direct the Officer to whom such Reference shall be made to tax such Costs of such Reference to be so paid as aforesaid, and to certify what, upon such Reference, shall be found to be due to or from such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, in respect of such Bill and Demand, and of the Costs of such Reference, if payable: Provided also, that such Officer shall in all Cases be at liberty to certify specially any Circumstances relating to such Bill or Taxation, and the Court or Judge shall be at liberty to make thereupon any such Order as such Court or Judge may think right respecting the Payment of the Costs of such Taxation: Provided also, that where such Reference as aforesaid shall be made when the same is not authorized to be made except under special Circumstances, as herein-before provided, then the said Court or Judge shall be at liberty, if it shall be thought fit, to give any special Directions relative to the Costs of such Reference: Provided also, that it shall be lawful for the said respective Courts and Judges, in the same Cases in which they are respectively authorized to refer a Bill which has been so as aforesaid delivered, sent, or left, to make such Order for the Delivery by any Attorney or Solicitor, or the Executor, Administrator, or Assignee of any Attorney or Solicitor, of such Bill as aforesaid, and for the Delivery up of Deeds, Documents, or Papers in his Possession, Custody, or Power, or otherwise touching the same, in the same Manner as has heretofore been done as regards such Attorney or Solicitor, by such Courts or Judges respectively, where any such Business had been transacted in the Court in which such Order was made: Provided also, that it shall not in any Case be necessary in the first instance for such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, in proving a Compliance with this Act, to prove the Contents of the

Payment of Costs of Taxation.

Courts may order Attorney or Solicitor to deliver his Bill, and to deliver up Deeds, &c.

Evidence of Delivery of Bill.

the Bill he may have delivered, sent, or left, but it shall be sufficient to prove that a Bill of Fees, Charges, or Disbursements, subscribed in the Manner aforesaid, or enclosed in or accompanied by such Letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other Party to show that the Bill so delivered, sent, or left was not such a Bill as constituted a *bonâ fide* Compliance with this Act: Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity to authorize an Attorney or Solicitor to commence an Action or Suit for the Recovery of his Fees, Charges, or Disbursements against the Party chargeable therewith, although One Month shall not have expired from the Delivery of a Bill as aforesaid, on Proof to the Satisfaction of the said Judge that there is probable Cause for believing that such Party is about to quit *England*.

Power to Judge to authorize Action before Expiration of Month.

Bills may be taxed upon the Application of Third Parties.

XXXVIII. And be it enacted, That where any Person, not the Party chargeable with any such Bill within the Meaning of the Provisions herein-before contained, shall be liable to pay or shall have paid such Bill either to the Attorney or Solicitor, his Executor, Administrator, or Assignee, or to the Party chargeable with such Bill as aforesaid, it shall be lawful for such Person, his Executor, Administrator, or Assignee, to make such Application for a Reference for the Taxation and Settlement of such Bill as the Party chargeable therewith might himself make, and the same Reference and Order shall be made thereupon, and the same Course pursued in all respects, as if such Application was made by the Party so chargeable with such Bill as aforesaid: Provided always, that in case such Application is made when, under the Provisions herein contained, a Reference is not authorized to be made except under special Circumstances, it shall be lawful for the Court or Judge to whom such Application shall be made to take into consideration any additional special Circumstances applicable to the Person making such Application, although such Circumstances might not be applicable to the Party so chargeable with the said Bill as aforesaid if he was the Party making the Application.

Lord Chancellor may direct Taxation of Bills chargeable on Executors, &c.

XXXIX. And be it enacted, That it shall be lawful, in any Case in which a Trustee, Executor, or Administrator has become chargeable with any such Bill as aforesaid, for the Lord High Chancellor or the Master of the Rolls, if in his Discretion he shall think fit, upon the Application of a Party interested in the Property out of which such Trustee, Executor, or Administrator may have paid or be entitled to pay such Bill, to refer the same, and such Attorney's or Solicitor's, or Executor's, Administrator's, or Assignee's Demand thereupon, to be taxed and settled by the proper Officer of the High Court of Chancery, with such Directions and subject to such Conditions as such Judge shall think fit, and to make such Order as such Judge shall think fit for the Payment of what may be found due, and of the Costs of such Reference, to or by such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, by or to the Party making such Application, having regard to the Provisions herein contained relative to Applications for the like Purpose by the Party chargeable with

with such Bill, so far as the same shall be applicable to such Cases, and in exercising such Discretion as aforesaid the said Judge may take into consideration the Extent and Nature of the Interest of the Party making the Application: Provided always, that where any Money shall be so directed to be paid by such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, it shall be lawful for such Judge, if he shall think fit, to order the same, or any Part thereof, to be paid to such Trustee, Executor, or Administrator so chargeable with such Bill, instead of being paid to the Party making such Application; and when the Party making such Application shall pay any Money to such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, in respect of such Bill, he shall have the same Right to be paid by such Trustee, Executor, or Administrator so chargeable with such Bill as such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, had.

Copy of Bill to be delivered to Person making Application for Reference for Taxation.

XL. And be it enacted, That for the Purpose of any such Reference upon the Application of the Person not being the Party chargeable within the Meaning of the Provisions of this Act as aforesaid, or of a Party interested as aforesaid, it shall be lawful for such Court or Judge to order any such Attorney or Solicitor, or the Executor, Administrator, or Assignee of any such Attorney or Solicitor, to deliver to the Party making such Application a Copy of such Bill, upon Payment of the Costs of such Copy: Provided always, that no Bill which shall have been previously taxed and settled shall be again referred unless, under special Circumstances, the Court or Judge to whom such Application is made shall think fit to direct a Re-taxation thereof.

No Re-taxation.

Taxation of Bill after Payment.

XLI. And be it enacted, That the Payment of any such Bill as aforesaid shall in no Case preclude the Court or Judge to whom Application shall be made from referring such Bill for Taxation, if the special Circumstances of the Case shall in the Opinion of such Court or Judge appear to require the same, upon such Terms and Conditions and subject to such Directions as to such Court or Judge shall seem right, provided the Application for such Reference be made within Twelve Calendar Months after Payment.

Power for Taxing Officer to request Officers of other Courts to tax Portions of the Bill.

XLII. And be it enacted, That in all Cases in which such Bill shall have been referred to be taxed and settled, the Officer to whom such Reference is made shall be at liberty to request the proper Officer of any other Court having such an Officer to assist him in taxing and settling any Part of such Bill, and such Officer so requested shall thereupon proceed to tax and settle the same, and shall have the same Powers, and may receive the same Fees in respect thereof, as upon a Reference to him by the Court of which he is such Officer, and shall return the same, with his Opinion thereon, to the Officer who shall have so requested him to tax and settle the same; and the Officer to whom such Reference is made shall not be paid any Fee for that Portion of the Bill which shall have been so taxed and settled by the Officer of such other Court at his Request.

Applications for taxing Bill of Costs how to be made.

XLIII. And be it enacted, That all Applications made under this Act to refer any such Bill as aforesaid to be taxed and settled, and for the Delivery of such Bill, and for the delivering up of Deeds, Documents, and Papers, shall be made in the Matter of such Attorney or Solicitor; and that upon the Taxation and Settlement of any such Bill the Certificate of the Officer by whom such Bill shall be taxed shall (unless set aside or altered by Order, Decree, or Rule of Court,) be final and conclusive as to the Amount thereof, and Payment of the Amount certified to be due and directed to be paid may be enforced according to the Course of the Court in which such Reference shall be made; and in case such Reference shall be made in any Court of Common Law, it shall be lawful for such Court or any Judge thereof to order Judgment to be entered up for such Amount, with Costs, unless the Retainer shall be disputed, or to make such other Order thereon as such Court or Judge shall deem proper.

Certificate of Taxation to be final.

Judgment may be entered.

Persons whose Period of Service has expired before Commencement of this Act, but not admitted, may, if qualified, be admitted under it.

XLIV. And be it enacted, That every Person who at the Time of the passing of this Act shall have completed his Period of Service according to the Laws in force at the Time of the passing of this Act, but shall not have been admitted an Attorney or Solicitor in pursuance of such Service, shall, if otherwise qualified, be capable of being admitted and enrolled an Attorney or Solicitor, in pursuance of the Provisions of this Act, in the same Manner in all respects as if he was actually bound by Contract in Writing at the Time of the passing of this Act.

Attornies, &c. of Duchy Chamber of Lancaster at Westminster, &c. to be enrolled as Attornies of Chancery, &c. without Examination, on Payment of Duty.

XLV. And be it enacted, That all Persons who previously to the First Day of *January* One thousand eight hundred and forty-three shall have been duly admitted and enrolled Attornies or Solicitors of any of the Courts of Law or Equity at *Westminster*, or of the Courts of the Duchy Chamber of *Lancaster* at *Westminster*, or of the Courts of the Counties Palatine of *Lancaster* and *Durham*, or either of them, shall and may be admitted and enrolled Attornies and Solicitors in the said High Court of Chancery, or all or any of the said Courts of Queen's Bench, Common Pleas, or Exchequer at *Westminster*, in pursuance of the Provisions of this Act, without Examination, upon Payment of such Duty as by Law required: Provided always, that upon such Admission being duly perfected such Persons shall be considered to have been Attornies and Solicitors of such Court in which they shall be so admitted from the Date of their first Admission into any other of the said Courts, provided that such Admission be perfected on or before the First Day of *Michaelmas* Term One thousand eight hundred and forty-four; and provided also, that until such Attornies and Solicitors of the said Courts of the Duchy Chamber of *Lancaster* at *Westminster*, or of the said Courts of the Counties Palatine of *Lancaster* and *Durham*, or either of them, shall be admitted and enrolled in the said High Court of Chancery, or in all or any of the said Courts of Queen's Bench, Common Pleas, or Exchequer at *Westminster*, it shall be lawful for any Attornies or Solicitors to act as their Agents in any Action, Suit, or other Proceeding in the said Courts of the Duchy Chamber of *Lancaster* at *Westminster*, or of the Counties Palatine of *Lancaster* and *Durham*.

Until Attornies of Lancaster and Durham are admitted in Superior Courts, Attornies may act as their Agents.

XLVI. Pro-

To what Clerks the Act not to extend.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to the Examination, Swearing, Admission, or Enrolment of the Clerks of the Petty Bag Office or of the Clerks of the Queen's Coroner and Attorney in the Court of Queen's Bench for the Time being, but that the said Clerks respectively shall and may be examined, sworn, admitted, and practise in their respective Courts and Offices in like Manner as they might have been or done before the making of this Act.

To what Solicitors the Act is not to extend.

XLVII. Provided always, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend to the Examination, Swearing, Admission, or Enrolment, or any Rights or Privileges of any Persons appointed to be Solicitors of the Treasury, Customs, Excise, Post Office, Stamp Duties, or any other Branch of Her Majesty's Revenue, or to the Solicitor of the City of *London*, or to the Assistant of the Council for the Affairs of the Admiralty or Navy, or to the Solicitor to the Board of Ordnance.

Meaning of certain Words in this Act.

XLVIII. And be it enacted, That in the Construction of this Act the Word "Month" shall be taken to mean a Calendar Month; and every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Person" shall extend to any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole, as well as an Individual; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Act may be altered this Session.

XLIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

The FIRST SCHEDULE.

The FIRST PART;

CONTAINING

A DESCRIPTION of the ACTS and PARTS of ACTS REPEALED by this ACT.

Date of Act.	Title.	Extent of Repeal.
15 Edw. II. c. 1.	An Act concerning the Acknowledgment of Fines, and admitting Attornies.	So much as relates to regulating the Admission of Attornies.
4 Hen. IV. c. 18.	An Act for regulating Attornies - -	The whole.
4 Hen. IV. c. 19.	An Act for providing that no Officer of a Lord of a Franchise shall be Attorney within the same.	The whole.
1 Hen. V. c. 4. -	An Act as to Sheriffs, Bailiffs, &c. -	So much as provides that no Under Sheriff shall be Attorney in the King's Courts during the Time he is in office.
18 Hen. VI. c. 9.	An Act touching filing Warrants of Attorney.	The whole.
33 Hen. VI. c. 7.	An Act for regulating the Number of Attornies in Norfolk, Suffolk, and Norwich.	The whole.
32 Hen. VIII. c. 30.	An Act concerning Mispleading, Jeofails, and Attorney.	So much as relates to entering Warrants of Attorney.
18 Eliz. c. 14. s. 3.	An Act for Reformation of Jeofails -	So much as relates to filing Warrants of Attorney.
3 James I. c. 7. -	An Act to reform the Multitudes and Misdemeanors of Attornies and Solicitors at Law, and to avoid unnecessary Suits and Charges in Law.	The whole.
4 & 5 Anne, c. 16.	An Act for the Amendment of the Law, and the better Advancement of Justice.	So much as relates to the filing Warrants of Attorney.
2 Geo. II. c. 23.	An Act for the better Regulation of Attornies and Solicitors.	The whole.
5 Geo. II. c. 18.	An Act for the further Qualification of Justices of the Peace.	So much as excludes Attornies and Solicitors from acting as Justices of the Peace.
6 Geo. II. c. 27.	An Act to explain and amend an Act made in the Second Year of His present Majesty's Reign, intituled "An Act for the better Regulation of Attornies and Solicitors."	The whole.

Date of Act.	Title.	Extent of Repeal.
12 Geo. II. c. 13.	An Act for continuing an Act made in the Eighth Year of Her late Majesty Queen Anne, to regulate the Price and Assize of Bread; and for continuing, explaining, and amending the Act made in the Second Year of the Reign of His present Majesty, for the better Regulation of Attornies and Solicitors.	So much as relates to Attornies and Solicitors.
22 Geo. II. c. 46.	An Act to continue several Laws for preventing Exactions of the Occupiers of Locks and Weirs upon the River Thames Westward, and for ascertaining the Rates of Water Carriage upon the said River; and for continuing, explaining, and amending the several Laws for the better Regulation of Attornies and Solicitors, and for the regulating the Price and Assize of Bread, and for preventing the spreading of the Distemper amongst horned Cattle; and also for making further Regulations with respect to Attornies and Solicitors, and further preventing the spreading of the Distemper amongst horned Cattle, and for the more frequent Return of Writs in the Counties Palatine of Chester and Lancaster; and for ascertaining the Method of levying Writs of Execution against the Inhabitants of Hundreds; and for allowing Quakers to make Affirmation where an Oath is or shall be required.	So much as relates to Attornies and Solicitors.
23 Geo. II. c. 26.	An Act to continue several Laws for the better Regulation of Pilots, for the conducting of Ships and Vessels from Dover, Deal, and Isle of Thanet, up the River Thames and Medway; and for permitting Rum and Spirits of the British Sugar Plantations to be landed before the Duties of Excise are paid thereon; and to continue and amend an Act for the preventing Frauds in the Admeasurement of Coals in the City and Liberty of Westminster, and several Parishes near thereunto; and to continue several Laws for preventing Exactions of Occupiers of Locks and Weirs upon the River Thames Westward, and for ascertaining the Rates of Water Carriage upon the said River; and for the better regulating and Government of Seamen in the Merchant Service; and also to amend so much of an Act made in the First Year of the Reign of King George the First as relates to the better Preservation of Salmon in the River	So much as relates to Attornies and Solicitors.

Date of Act.	Title.	Extent of Repeal.
	Ribble; and to regulate Fees in Trials at Assizes in Nisi Prius upon Records issuing out of the Office of Pleas of the Court of Exchequer; and for the apprehending of Persons in any County or Place upon Warrants granted by Justices of the Peace in any other County or Place; and to repeal so much of an Act made in the Twelfth Year of the Reign of King Charles the Second as relates to the Time during which the Office of the Excise is to be kept open each Day, and to appoint for how long Time the same shall be kept open upon each Day for the future; and to prevent the stealing and destroying of Turnips; and to amend an Act made in the Second Year of His present Majesty, for the better Regulation of Attornies and Solicitors.	
30 Geo. III. c. 19.	An Act for granting to His Majesty several Rates and Duties upon Indentures, Leases, Bonds, and other Deeds; and upon Newspapers, Advertisements, and Almanacks; and upon Licences for retailing Wine; and upon Coals exported to Foreign Parts; and for applying, from a certain Time, the Sums of Money arising from the Surplus of the Duties on Licences for retailing Spirituous Liquors; and for raising the Sum of Three Millions by Annuities, to be charged on the said Rates, Duties, and Sums of Money; and for making perpetual an Act made in the Second Year of the Reign of His present Majesty, intituled "An Act for the better Regulation of Attornies and Solicitors;" and for enlarging the Time for filing Affidavits of the Execution of Contracts of Clerks to Attornies and Solicitors, and also the Time for Payment of the Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.	So much as enacts that the said Act made in the Second Year of His said Majesty's Reign, intituled "An Act for the better Regulation of Attornies and Solicitors," should be continued and made perpetual.
37 Geo. III. c. 90.	An Act for granting to His Majesty certain Stamp Duties on the several Matters therein mentioned, and for better securing the Duties on Certificates to be taken out by Solicitors, Attornies, and others.	So much as renders every Person admitted an Attorney or Solicitor in any of the Courts therein mentioned or referred to, who shall neglect for One whole Year to obtain such Certificate as therein mentioned, incapable of practising, and directs that the Admission of such Person in any of the Courts shall be null and void; and so

Date of Act.	Title.	Extent of Repeal.
		much as enacts that every Certificate to be obtained under the same Act shall be entered in One of the Courts in which the Person described therein shall be admitted, enrolled, sworn, or registered.
1 & 2 Geo. IV. c. 48.	An Act to amend the several Acts for the Regulation of Attornies and Solicitors.	The whole, except so far as the Attornies and Solicitors of Ireland are affected thereby.
3 Geo. IV. c. 16.	An Act to amend an Act made in the last Session of Parliament for amending the several Acts for the Regulation of Attornies and Solicitors.	The whole, except so far as the Attornies and Solicitors of Ireland are affected thereby.
1 & 2 W. IV. c. 56.	An Act to establish a Court of Bankruptcy.	So much as relates to the Admission and practising of Attornies and Solicitors in the said Courts.
5 & 6 W. IV. c. 11.	An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of March One thousand eight hundred and thirty-six; to permit such Persons in Great Britain as have omitted to make and file Affidavits of the Execution of Indenture of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of Hilary Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits although the Persons whom they served shall have neglected to take out their annual Certificates.	So much as relates to the Service of any Clerk and his Admission and Enrolment as an Attorney or Solicitor, or as to striking any Person off the Roll.
6 & 7 W. IV. c. 7.	An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of March One thousand eight hundred and thirty-seven; to permit such Persons in Great Britain as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of Hilary Term One thousand eight hundred and thirty-seven; and to allow Persons to make and file such Affidavits although the Persons whom they served shall have neglected to take out their annual Certificates.	So much as relates to striking any Attorney or Solicitor off the Roll.

Date of Act.	Title.	Extent of Repeal.
1 Vict. c. 56. -	An Act for amending the several Acts for the Regulation of Attornies and Solicitors.	The whole.
1 & 2 Vict. c. 45.	An Act to extend the Jurisdiction of the Superior Courts of Common Law; to amend Chapter Fifty-six of the First Year of Her present Majesty's Reign, for regulating the Admission of Attornies; and to provide for the taking of Special Bail in the Absence of the Judges.	So much as relates to the Admission and practising of Attornies and Solicitors.
7 Will. IV. c. 12.	An Act to indemnify, &c. - -	So much as relates to striking any Attorney or Solicitor off the Roll.
1 Vict. c. 16. -	Ditto - - - -	
2 & 3 Vict. c. 33.	Ditto - - - -	
3 Vict. c. 16. -	Ditto - - -	
4 Vict. c. 11. -	Ditto - - - -	
5 Vict. Sess. 2. c. 10.	Ditto - - - -	
6 Vict. c. 9. -	Ditto - - - -	

The SECOND PART;

CONTAINING

A DESCRIPTION of the ACTS and PARTS of ACTS NOT REPEALED by this ACT.

Date of Act.	Title.	Extent of Saving.
20 Hen. III. c. 10.	An Act for allowing Attornies to make Suits to several Courts.	The whole.
3 Edw. I. c. 25.	An Act against Champerty - -	The whole.
3 Edw. I. c. 29.	An Act inflicting Penalty upon a Serjeant or Pleader committing Deceit.	The whole.
3 Edw. I. c. 33.	An Act against Maintainers of Quarrels being suffered.	The whole.
3 Edw. I. c. 42.	An Act, viz. certain Actions wherein after Appearance the Tenant shall not be essoined, but may make his Attorney.	The whole.
6 Edw. I. c. 8.	An Act, amongst other things, that Attornies may be made where an Appeal lieth not.	The whole.
13 Edw. I. c. 10.	An Act authorizing Persons to make General Attornies in all Pleas for or against them.	The whole.
13 Edw. I. c. 49.	An Act inflicting Penalty for buying the Title of Land depending in Suit, and a Remedy for Suits where the Law fails.	The whole.
28 Edw. I. c. 11.	An Act that nothing shall be taken to maintain any Action in Suit.	The whole.
12 Edw. II. c. 1.	An Act that Tenants in Assize of Novel Disseisin may make Attornies.	The whole.
15 Edw. II. c. 1.	An Act concerning the Acknowledgment of Fines and admitting Attornies.	So much as does not relate to Attornies.
7 Rich. II. c. 14.	An Act that they which shall depart the Realm by the King's Licence may make General Attornies.	The whole.

Date of Act.	Title.	Extent of Saving.
7 Hen. IV. c. 13.	An Act that impotent Persons that be outlawed may make Attornies.	The whole.
1 Hen. V. c. 4.	An Act that Sheriffs Bailiffs shall not be in the same Office in Three Years after; Sheriffs Officers shall not be Attornies.	So much as does not relate to Attornies.
15 Hen. VI. c. 7.	An Act that all Persons, religious and secular, may make their General Attornies to sue or plead for them in every Hundred and Wapentake.	The whole.
3 Hen. VII. c. 1.	An Act as to the Authority of the Court of Star Chamber where one Inquest shall inquire of the Concealment of another; a Coroner's Duty after a Murder committed; a Justice of Peace shall certify his Recognizances.	The whole.
18 Eliz. c. 5.	An Act to redress Disorders in Common Informers.	The whole.
18 Eliz. c. 14.	An Act for Reformation of Jeofails -	The whole, except so much as relates to Attornies filing Warrants of Attorney.
29 Eliz. c. 5.	An Act for the Continuance and perfecting of divers Statutes.	The whole.
31 Eliz. c. 10.	An Act for the Continuance of divers Statutes.	The whole.
4 & 5 Anne, c. 16.	An Act for the Amendment of the Law and the better Advancement of Justice.	The whole, except so much as relates to Attornies filing Warrants of Attorney.
12 Geo. I. c. 29.	An Act to prevent frivolous and vexatious Arrests.	The whole.
5 Geo. II. c. 18.	An Act for the further Qualification of Justices of the Peace.	The whole, except so much as relates to incapacitating Attornies, Solicitors, and Proctors from being Justices of the Peace.
12 Geo. II. c. 13.	An Act for continuing an Act made in the Eighth Year of Her late Majesty Queen Anne, to regulate the Price and Assize of Bread, and for continuing, explaining, and amending the Act made in the Second Year of the Reign of His present Majesty, for the better Regulation of Attornies and Solicitors.	The whole, except so much as relates to Attornies and Solicitors.
22 Geo. II. c. 46.	An Act to continue several Laws for preventing Exactions of the Occupiers of Locks and Weirs upon the River Thames Westward, &c., and for amending the several Laws for the better Regulation of Attornies and Solicitors, and for the regulating the Price and Assize of Bread, and for preventing the spreading of the Distemper amongst horned Cattle, &c.	The whole, except so much as relates to Attornies and Solicitors.

Date of Act.	Title.	Extent of Saving.
23 Geo. II. c. 26.	An Act to continue several Laws, for the better Regulation of Pilots, &c., and for permitting Rum and Spirits of the British Sugar Plantations to be landed before the Duties of Excise are paid thereon; and to continue and amend an Act for the preventing Frauds in the Admeasurement of Coals, &c.; and to continue several Laws, for preventing Exactions of Occupiers of Locks and Weirs, &c., and to regulate Fees in Trials and Assizes in Nisi Prius, upon Records issuing out of the Office of Pleas of the Court of Exchequer, &c.; and to amend an Act made in the Second Year of His present Majesty, for the better Regulation of Attornies and Solicitors.	The whole, except so much as relates to Attornies and Solicitors.
19 Geo. III. c. 68.	An Act for explaining, amending, and rendering more effectual an Act passed in the Twenty-third Year of the Reign of His late Majesty King George the Second, for the more easy and speedy Recovery of Small Debts within the Tower Hamlets.	The whole.
23 Geo. III. c. 33.	An Act for preventing Delays and Expences in the County Court of Middlesex, and for the more easy and speedy Recovery of Small Debts in the said County Court.	The whole.
24 Geo. III. c. 42. (Local.)	An Act to explain and amend an Act passed in the last Session of Parliament, intituled "An Act for the more easy and speedy Recovery of Small Debts within the City and Liberty of Westminster and that Part of the Duchy of Lancaster which adjoineth thereto," and for making the said Act more effectual.	The whole.
25 Geo. III. c. 80.	An Act for granting to His Majesty certain Duties on Certificates to be taken out by Solicitors, Attornies, and others, practising in certain Courts of Justice in Great Britain, and certain other Duties with respect to Warrants, Mandates, and Authorities to be entered or filed of Record, as therein mentioned.	The whole.
30 Geo. III. c. 19.	An Act for granting to His Majesty several Rates and Duties upon Indentures, &c., and for making perpetual an Act made in the Second Year of the Reign of His present Majesty, intituled "An Act for the better Regulation of Attornies and Solicitors, and for enlarging the Time for filing Affidavits of the Execution of Contracts of Clerks to Attornies and Solicitors, and also the Time for Pay-	The whole, except so much as enacts that the said Act made in the Second Year of His said Majesty's Reign, intituled "An Act for the better Regulation of Attornies and Solicitors," should be continued and made perpetual.

Date of Act.	Title.	Extent of Saving.
	ment of the Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices."	
34 Geo. III. c. 14.	An Act for granting to His Majesty certain Stamp Duties on Indentures of Clerkships to Solicitors and Attornies in any of the Courts in England therein mentioned.	The whole.
37 Geo. III. c. 90.	An Act for granting to His Majesty certain Stamp Duties.	The whole, except so much as renders every Person admitted an Attorney or Solicitor in any of the Courts therein mentioned or referred to, who shall neglect for One whole Year to obtain such Certificate as therein mentioned, incapable of practising, and directs that the Admission of such Person in any of the Courts shall be null and void; and except so much as enacts that every Certificate to be obtained under the same Act shall be entered in One of the Courts in which the Person described therein shall be admitted, enrolled, sworn, or registered.
39 & 40 Geo. III. c. 104. (Local.)	An Act to explain, amend, and render more effectual an Act passed in the Third Year of the Reign of King James the First, intituled "An Act for the recovering of Small Debts in London," and an Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Second, to explain and amend the above-mentioned Act; and likewise for extending the Powers of the Court of Requests in the City of London in and by the said Two several Acts continued and established.	The whole.
44 Geo. III. c. 59.	An Act to indemnify Solicitors, Attornies, and others who have neglected to enter Certificates within the Time limited by an Act made in the Thirty-seventh Year of His present Majesty, and to amend so much of the said Act as relates to the entering such Certificates.	The whole.
44 Geo. III. c. 98.	An Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof.	The whole.

Date of Act.	Title.	Extent of Saving.
49 Geo. III. c. 28.	An Act to enable the Clerks of the King's Coroner and Attorney in the Court of King's Bench to be admitted as Attornies.	The whole.
52 Geo. III. c. 63.	An Act for more effectually preventing the Embezzlement of Securities for Money and other Effects left or deposited for safe Custody or other special Purpose in the Hands of Bankers, Merchants, Brokers, Attornies, or other Agents.	The whole.
54 Geo. III. c. 144.	An Act for better securing the Stamp Duties on Sea Insurances made in London, and for altering the Period for taking out Stamp Office Certificates by Attornies and others in England.	The whole.
55 Geo. III. c. 184.	An Act for repealing the Stamp Duty on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain; and for granting other Duties in lieu thereof.	The whole.
1 & 2 Geo. IV. c. 48.	An Act to amend the several Acts for the Regulation of Attornies and Solicitors.	So far as the Attornies and Solicitors of Ireland are affected thereby.
3 Geo. IV. c. 16.	An Act to amend an Act made in the last Session of Parliament, for amending the several Acts for the Regulation of Attornies and Solicitors.	
6 Geo. IV. c. 16.	An Act to amend the Laws relating to Bankrupts.	The whole.
7 & 8 Geo. IV. c. 29.	An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith.	The whole.
9 Geo. IV. c. 25.	An Act to authorize the Appointment of Persons to act as Solicitors on behalf of His Majesty in any Court or Jurisdiction in Revenue Matters.	The whole.
11 Geo. IV. and 1 W. IV. c. 70.	An Act for the more effectual Administration of Justice in England and Wales.	The whole.
1 & 2 W. IV. c. 56.	An Act to establish a Court of Bankruptcy.	The whole, except so much as relates to the Admission and practising of Attornies and Solicitors in the said Court.
5 & 6 W. IV. c. 11.	An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of March One thousand eight hundred and thirty-six; to permit such Persons in Great Britain as have omitted to make and	The whole, except so much as relates to the Service of any Clerk, and his Admission and Enrolment as an Attorney or Solicitor, or as to striking any Attorney off the Roll.

Date of Act.	Title.	Extent of Saving.
	file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of Hilary Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their annual Certificates.	
6 & 7 W. IV. c. 7.	The like - - - -	The whole, except so much as relates to striking any Attorney or Solicitor off the Roll.
1 & 2 Vict. c. 45.	An Act to extend the Jurisdiction of the Superior Courts of Common Law; to amend Chapter Fifty-six of the First Year of Her present Majesty's Reign, for regulating the Admission of Attornies; and to provide for the taking of Special Bail in the Absence of the Judges.	The whole, except so much as relates to the Admission and practising of Attornies and Solicitors.
3 & 4 Vict. c. 16.	An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of March One thousand eight hundred and forty-one; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.	The whole, except so much as relates to striking any Attorney or Solicitor off the Roll.
7 W. IV. c. 12.	An Act to indemnify, &c. - - -	The whole, except so much as relates to striking any Attorney or Solicitor off the Roll.
1 Vict. c. 16.	Ditto - - -	
2 & 3 Vict. c. 33.	Ditto - - - -	
3 Vict. c. 16. -	Ditto - - - -	
4 Vict. c. 11. -	Ditto - - - -	
5 Vict. Sess. 2. c. 10.	Ditto - - - -	
6 Vict. c. 9. -	Ditto - - - -	

The SECOND SCHEDULE.

Persons entitled to receive the Fees.	Duties to be performed.	Amount of Fee in each Case. £ s. d.
The Person appointed for that Purpose under Sections 8. 11. 20.	On filing every Affidavit of Execution of Articles of Clerkship, entering Affidavit, and making the Endorsements required by the Act - - - - -	0 5 0
The Incorporated Law Society -	On leaving Articles and Assignments for Inspection, and Inquiry as to due Service previous to Examination for Admission in the Courts at Westminster -	0 10 0
The Incorporated Law Society -	For the Examination and Certificate of Fitness and Capacity for Admission in the Courts at Westminster - -	2 2 0
The Officer appointed for that Purpose under Sections 8. 11. 20.	Search for and Delivery of Affidavit of Execution of Articles, to be produced on applying for Admission - -	0 2 6
The Clerk of the Judge granting the Fiat.	For Fiat at Common Law - -	1 1 0
The Crier - - -	For the Oath - - - - -	0 1 0
The Usher - - -	On signing the Roll - - -	0 5 0
The Master's Clerk - -	For Certificate of Enrolment in any of the Courts at Westminster - -	0 10 0
The Officer appointed by the Master of the Rolls.	For Admission at the Rolls, including the Fees of the Clerk at the Petty Bag Office, Usher, and Porter - -	1 17 0
The Officer appointed by the Court of Bankruptcy.	For Admission in the Court of Bankruptcy - - - - -	0 6 0
The Registrar of Attornies and Solicitors.	Preparing and keeping an Alphabetical Roll of all the Attornies of the Courts of Law and Solicitors in Equity, and for issuing each Certificate - -	0 1 6

The THIRD SCHEDULE.

FORM of REGISTRAR'S CERTIFICATE.

PURSUANT to an Act made and passed in the Year of the Reign of Queen Victoria, intituled "An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales," I *A.B.*, Registrar of Attornies and Solicitors, appointed under the said Act, [*or* I *C.D.* of the Society of Attornies, Solicitors, Proctors, and others, not being Barristers practising in the Courts of Law and Equity of the United Kingdom, authorized to perform the Duties of the Office of Registrar of Attornies and Solicitors under the said Act,] do hereby certify, That *E. F.* of hath this Day delivered and left with me a Declaration in Writing, signed by the said *E. F.* [*or* by *G. H.*, his Partner, *or* by *I. K.*, his London Agent, on his Behalf,] containing his Name and Place of Residence, and the Court or one of the Courts of which he is admitted an Attorney or Solicitor, together with the Term and Year in or as of which he was so admitted: And I do further certify, that the said *E. F.* is duly enrolled an Attorney in the Court of and a Solicitor in the High Court of Chancery, and is entitled to take out a stamped Certificate authorizing him to practise as an Attorney and Solicitor. In witness whereof I have this Day of in the Year set my Hand hereunto. See Sect. 23. of this Act

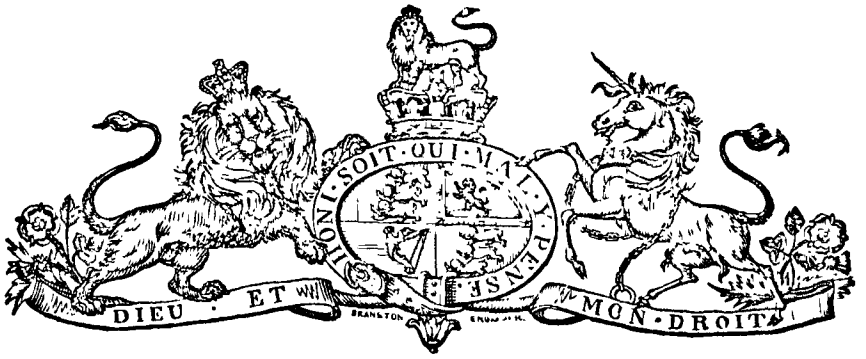
(Signed)

To the Commissioners of Stamps and Taxes.

A stamped Certificate was issued to the above-named *E.F.* the Day of in the Year .

(Signed)

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXIV.

An Act to amend and continue for Two Years, and to the End of the then next Session of Parliament, the Laws in *Ireland* relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition.

[22d *August* 1843.]

WHEREAS it has been found necessary to prevent improper Persons from having Arms in *Ireland*, and divers Enactments have from Time to Time been made for that Purpose, and also to regulate the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition within that Part of the United Kingdom: And whereas it is expedient to amend the said Enactments, and to make further Provision for the like Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, Twenty-one clear Days before the Commencement of the General Sessions of the Peace to be held next after the Commencement of this Act for each County, County of a City, or County of a Town in *Ireland*, every Person residing within such

Licences to keep Arms how to be applied for

such County, County of a City, or County of a Town, desirous of keeping or then having any Arms, whether registered according to the Provisions of any Act theretofore in force or not, shall deliver or cause to be delivered to the Clerk of the Justices at Petty Sessions for the District wherein such Person shall reside an Application in Writing, in the Form (A.) in the Schedule to this Act annexed, signed by such Person, specifying, if such Person shall be resident in a County at large, and not within a City, Town, or Borough, the Parish, Barony, or Townland, or, if such Person shall be resident in a City, Town, or Borough, the Parish and Street in which he shall be then resident, and the particular Place or Places within such Barony, Parish, or Street where he usually keeps or intends to keep Arms, and the Number and Description of such Arms; and every such Clerk of Petty Sessions shall, at the Time of the Receipt of each Application which shall be delivered to him under the Provisions of this Act, endorse thereon the Date of the Receipt thereof, and also make an Entry thereof in a Book or Books to be by him provided for that Purpose, and which Book or Books shall be kept by him, and be open at all seasonable Times to the Inspection of every Justice of the Peace, and Provincial Inspector and County Inspector and Sub-Inspector of the Constabulary Force for such County or Place, and from which every such Justice, or Provincial or County Inspector or Sub-Inspector, shall be at liberty to make from Time to Time such Extracts as he may deem fit; and each such Clerk of Petty Sessions shall, Fourteen clear Days before the Commencement of the said General Sessions, transmit all such Applications as shall have been so received by him to the acting Clerk of the Peace for such County or Place; and such Clerk of the Peace shall, Ten clear Days before the Commencement of such Sessions, make out a List of all such Applications; and it shall not be lawful for the Justices at such Sessions to grant any Licence to keep Arms under the Provisions hereinafter contained, except in a Case where an Application shall have been so delivered or transmitted within such Times respectively as aforesaid.

Clerk of Petty Sessions, on Receipt of Applications, shall enter them in a Book, which shall be open to Inspection of Justices, &c.;

and transmit them to Clerk of the Peace, who shall make a List thereof.

II. Provided always, and be it enacted, That all Applications for Licences to keep Arms by Persons resident in any County at large shall be considered at a General Sessions, or some Adjournment thereof, holden in the same Division of the County wherein the Applicant resides; and that the Chairman of the County of *Dublin*, and the Assistant Barrister in each other County, except the County of *Cork*, and the High Sheriff of that County, and the Two Assistant Barristers for the Ridings thereof, and the Clerk of the Peace of the said County of *Cork*, shall, when from Time to Time fixing and appointing the Times or Days for commencing and holding the several General or Quarter Sessions in their Counties or the Ridings thereof respectively, appoint One or more Day or Days during each such Sessions for the Consideration of Applications for Licences to keep Arms, and also appoint the Hour or Hours and Place or Places at which on such Day or Days such Business is to commence; and the respective Clerks of the Peace for the several Counties shall specify and distinguish the Times and Places so appointed for the Consideration of such Applications for Licences to keep Arms during each Session

Applications for Licences to be considered at the Sessions for the Division where the Applicant resides.

Special Days and Hours to be appointed for hearing Applications at each Session.

Session in the Notices which they are now by Law required to give of the Times and Places when and whereat each such Session will be holden: Provided also, that all such Applications as shall be made under the Provisions of this Act at any Sessions to be holden after the Commencement of this Act, and before the Time by Law appointed for fixing and appointing the Times or Days for commencing or holding the said several General or Quarter Sessions, shall and may be considered on the Days appointed for the Consideration of Applications for Licences to keep Arms during such Sessions pursuant to the Laws now in force: Provided also, that, if the Day or Days so appointed or which may be at any Time hereafter appointed for the Consideration of such Applications shall be insufficient for that Purpose, it shall and may be lawful for the Justices at any such Sessions to appoint additional Days during such Sessions for the Consideration of such Applications; and it shall and may be lawful for the Justices at any such Sessions to adjourn such Sessions from Time to Time, and from any one Town appointed for holding Sessions in any Division or Riding of a County to any other of such Towns in the same Division or Riding as may be convenient or necessary, for the Consideration of such Applications; and it shall and may be lawful for the Justices on the said additional Days or at such adjourned Sessions to decide on all Applications for Licences to keep Arms, and to grant the same, in like Manner as if the same had been considered on the Days and Times and at the Place or Places specially appointed for considering the same.

Applications previous to such fixing of Days to be made pursuant to Laws now in force.

Justices may appoint additional Days, and adjourn any Sessions from Time to Time and from Place to Place.

III. And be it enacted, That every such Application so delivered shall be produced by the Clerk of the Peace, and read aloud in open Court at the said General Sessions; and the Justices then present shall inquire into the Fitness of the Applicant to be licensed under this Act, and may examine him upon Oath, if present, or any other Person who can testify as to the Matter; and if such Justices, or the Majority of them, shall consider the Person by whom or on whose Behalf such Application shall be made to be a fit and proper Person to be licensed under this Act, such Justices shall thereupon make an Order for granting to such Person a Licence to keep Arms; and every such Licence shall be in the Form (B.) in the Schedule to this Act annexed, and shall specify the Number and Description of Arms the keeping of which such Licence is to authorize, and the Letters and Number to be marked on such Arms, as herein-after provided, and the Place or Places at which such Arms are to be kept, and shall be signed by Two or more of the Justices making such Order, and countersigned by the Clerk of the Peace, and delivered to the Applicant by such Clerk of the Peace, when registered by him, as herein-after provided, without Fee or Reward upon any Pretence whatsoever; and on the Back of every such Licence an Abstract or Summary of the Duties or Obligations by this Act imposed or required of Persons licensed to keep Arms, and showing the Penalties attendant on the Infraction thereof, to be prepared under the Direction of the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall be printed in such Manner and Form as such Chief or Under Secretary shall direct.

Licences how to be granted.

IV. Pro-

Persons already licensed, applying to Sessions within 21 Days of Commencement of Act, to be licensed without Inquiry, unless a Notice of Inquiry shall have been served upon him.

IV. Provided always, and be it enacted, That every Person duly licensed to keep Arms pursuant to the Provisions of the Acts now in force, and who shall have delivered or caused to be delivered an Application for a Licence to keep Arms under this Act, to be granted at the General Sessions of the Peace to be held Twenty-one clear Days next after the Commencement of this Act, shall be deemed and taken, without further Inquiry or Examination, to be a fit and proper Person to be licensed under this Act, unless a Notice in Writing shall, Five Days at least previous to the Commencement of such Sessions, have been served on such Person, or left at his Dwelling House or usual Place of Abode, signed by the County Inspector or a Sub-Inspector or Head Constable of the said Constabulary Force for the County or Place wherein such Person shall reside, requiring such Person to attend at such Sessions for the Purpose of such Inquiry or Examination.

Licences to be registered.

V. And be it enacted, That the Clerk of the Peace acting in and for each County or Place shall, for the Purposes of this Act, keep a Book for every Barony or Half Barony in the Case of a County at large, and for each Parish in the Case of a City, Town, or Borough, in which Book or Books the Name in alphabetical Order and the Place of Abode of every Person licensed to keep Arms under this Act in such County or Place, and the Quantity and Description of Arms comprised in each Licence, and the Letters and Number marked thereon, and the Place or Places at which such Arms are to be kept, shall be registered, without any Fee or Reward; and such Book or Books shall be kept by each Clerk of the Peace at his Office; and it shall be lawful for any Justice of the Peace, and Provincial or County Inspector or Sub-Inspector of the Constabulary Force for the same County or Place, at all seasonable Times to inspect such Book and Books, and to make such Extracts from the same as he shall deem fit.

Clerk of the Peace shall from Time to Time revise the Registry, and expunge the Names of dead Persons, &c.

VI. And be it enacted, That the said Clerk of the Peace shall, under the Directions of the Justices at each General or Quarter Sessions, revise and correct the Register of Persons licensed to keep Arms under this Act, and shall expunge therefrom the Name of every Person whose Licence shall be forfeited or withdrawn under the Provisions of this Act, and the Clerk of the Peace shall, under the Direction of the Justices at each General or Quarter Sessions, also expunge the Name of every Person of whose Death they shall receive Information upon Oath: Provided always, that in case the Name of any Person shall have been expunged upon the Allegation that he was dead, and it shall afterwards be shown to the Justices at Quarter Sessions, or to any Two or more Justices at Petty Sessions, that such Person is still living, they shall so certify to the said Clerk of the Peace, by whom his Name shall immediately be restored and again placed upon the said Register.

List of Persons licensed at each Sessions to be made.

VII. And be it enacted, That each Clerk of the Peace shall make out a List of all the Persons who may have obtained such Licences at each Sessions in the County or Place for which he may act, with their respective Additions and Places of Abode, within One Calendar Month

Month next after the Sessions at which such Licences shall have been obtained, and shall deliver a written or printed Copy of such List, upon Demand, to each Justice of the Peace, Provincial Inspector and County Inspector and Sub-Inspector of the said Constabulary Force, for the same County or Place.

Appeal against Refusal of Licence.

VIII. And be it enacted, That if the Majority of the Justices so assembled at the General Sessions of the Peace shall refuse to grant such Licence, the Person to whom such Licence is refused may appeal from the Decision of such Justices, if in a County of a City or County of a Town, to the next General Sessions of any County at large adjoining to such County of a City or County of a Town, and if in a County at large then to the next General Sessions of the Peace of the same County; and the Court of Sessions to which such Appeal shall be made shall have Power to annul, confirm, modify, or vary, as to such Court shall seem fit, the Decision against which such Appeal shall be made, and to grant or refuse such Licence accordingly; and pending such Appeal the Applicant shall deposit the Arms, if any, belonging to him, with the nearest Sub-Inspector of the Constabulary Force, or with some licensed Dealer in Arms.

Arms to be marked.

IX. And be it enacted, That, when a Licence for the keeping of Arms shall be granted to any Person under the Provisions of this Act, the Person obtaining the same shall produce, to such Person and at such Place and within such Time as the Justices at the Session whereat such Licence shall be granted shall direct, the Arms specified in such Licence together therewith, and such Arms shall be examined and compared with such Licence, and if found to correspond therewith shall be marked with such Letters as may be appointed by the said Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors to denote the County, County of a City or Town, within which such Arms shall be respectively registered, and also with a Number to indicate the Order of Licence and Registration, as specified in the Licence; and such Arms, when duly marked under the Provisions of this Act, shall, with the Licence relating thereto, be re-delivered to the Person so licensed; and all such Arms shall be marked, under the Superintendence of the County Inspector of the Constabulary Force, by such Person and in such Manner as the Inspector General of the said Force shall direct, and the Expences attendant thereon shall be defrayed by the Paymaster of the said Constabulary Force for the District.

Licences to be applied for at subsequent Sessions as at the first.

X. And be it enacted, That, Twenty-one clear Days before the Commencement of any General Sessions of the Peace subsequent to the General Sessions of the Peace to be held next after the Commencement of this Act for each County, County of a City, or County of a Town respectively, every Person residing within such County, County of a City, or County of a Town, desirous of keeping or having any Arms for which he shall not have obtained a Licence under this Act, shall and may deliver or cause to be delivered to the Clerk of Petty Sessions for the District an Application in like Manner and Form as herein-before provided in respect of Persons applying for Licences to be granted at the General Sessions of the Peace to be held

held next after the Commencement of this Act, and the Justices at such subsequent Sessions shall and may proceed with respect thereto, and grant or refuse such Licence, in like Manner in all respects as herein-before provided in respect of any Application considered at such first Sessions, and the like Appeal shall lie from or against any Decision of such Justices at such subsequent Sessions, and all and every the Provisions of this Act in respect of the Application for and Consideration of and granting such Licences at the General Sessions to be held next after the passing of this Act, and the marking of Arms for which Licences may be granted thereat, shall, so far as the same are applicable, apply and extend to the Application for and Consideration of and granting such Licences at any subsequent Sessions, and to the marking of Arms for which Licences may be granted thereat.

If Licence lost or destroyed, a Certificate to be granted in lieu thereof at Petty Sessions.

XI. And be it enacted, That if any such Licence shall be by any Casualty destroyed, defaced, or lost, it shall be lawful for the Person to whom the same shall have been granted to report the same to the Justices assembled at Petty Sessions for the District wherein such Person may reside, or to the Justices assembled at any General or Quarter Sessions for the Division or Place in which such Person shall reside, and such Justices shall inquire into the Matter, and may, if they think fit, examine upon Oath such Person, or any other Person who can testify in respect thereof; and if such Justices shall be satisfied of the Fact of such Casualty or Loss, by such Inquiry or Examination as aforesaid, they shall, on the Production to them of a Certificate under the Hand of the Clerk of the Peace, setting out so much of the Registry Book as may relate to such Licence, (and which Certificate he is hereby required to deliver, without Fee or Reward,) or upon View of the Registry Book herein-before directed to be kept by the Clerk of the Peace, grant to such Person a Certificate in the Form (C.) in the Schedule to this Act annexed, under the Hands of Two or more of them, reciting such Loss, and setting out the Purport and Effect of the Licence so lost, defaced, or destroyed, and such Certificate shall be in lieu and stead thereof, and of like Force and Effect; and the Clerk of such Petty Sessions shall transmit a Notice of the granting of every such Certificate to the Clerk of the Peace, who shall make a Note thereof in the Registry Book herein-before directed to be kept by him.

Licensed Persons changing Abode shall give Notice.

XII. And be it enacted, That, so often as any Person who shall have any Licence to keep Arms granted under this Act shall change his Place of Abode, such Person shall within Two Months after such Change produce before One or more Justices of the Peace at Petty Sessions for the District in which his new Abode may be situate his Licence, or the Certificate granted as aforesaid in lieu thereof, and such Justice or Justices shall cause a Description of such new Place of Abode to be endorsed on such Licence or Certificate, and subscribe the same, and the Clerk of such Petty Sessions shall transmit a Notice of such Change, and of such Indorsement having been made, to the Clerk of the Peace for the County or Place in which such Person was resident at the Time of granting such Licence, who shall make a Note thereof in the Registry Book herein-before directed

to be kept by him; and in case any Person who shall have any such Licence granted as aforesaid shall change his Place of Abode, and shall not within Two Months after such Change produce his Licence or Certificate before the Justice or Justices at Petty Sessions as aforesaid, in order that the same may be endorsed as aforesaid, he shall forfeit any Sum not exceeding Five Pounds.

Penalty for keeping Arms without Licence.

XIII. And be it enacted, That any Person who shall, after the General Sessions of the Peace to be holden Twenty-one clear Days next after the Commencement of this Act for the County, County of a City, or County of a Town within which he shall reside, have in his Custody or Possession any Arms, without having obtained a Licence for such Arms, duly granted to him pursuant to the Provisions of this Act, and then in force, or any Person who shall, after the Expiration of the Time limited by the Justices as herein-before provided for marking the Arms which he may be licensed to keep, have in his Custody or Possession any Arms not duly marked as aforesaid, shall, upon being convicted thereof, for the First Offence forfeit any Sum not exceeding Ten Pounds, and for the Second and every other Offence shall forfeit any Sum not exceeding Twenty Pounds; and all such Arms shall in every such Case of a First or other Offence be forfeited to the Use of Her Majesty, Her Heirs and Successors, if the Magistrates before whom such Conviction shall take place shall so adjudge.

Exemptions from Penalty.

XIV. Provided always, and be it enacted, That nothing herein contained relating to the Possession of Arms not duly marked, or to the Possession of Arms without a Licence to keep the same, shall be construed to apply or extend to any licensed Manufacturer of or Dealer in Arms, nor to any Person while actually employed by any such licensed Manufacturer of or Dealer in Arms to carry or convey Arms for the Purposes of his Trade: Provided also, that nothing herein contained relating to the Possession of Arms without a Licence shall apply or extend to any Person while employed by a Person having such a Licence to carry or convey Arms to or from the Residence of such licensed Person, or to or from the Place of Business of any licensed Maker of or Dealer in Arms for the Purposes of Sale or Repair.

Justices, &c. may examine Arms carried by any Person, and require his Name and Abode.

Person refusing to allow Arms to be examined, or to tell his Name, &c. may be apprehended.

XV. And be it enacted, That when any Person shall be found carrying Arms it shall be lawful for any Justice of the Peace, or County Inspector, Sub-Inspector, Head or other Constable of the Constabulary Force, to examine such Arms, so as to ascertain the Number and Letters marked thereon, and to require the Person so found carrying Arms to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, refuse to allow such Arms to be so examined, or shall refuse to tell his Christian Name, Surname, and Place of Abode, it shall be lawful for the Justice of the Peace, or County Inspector, Sub-Inspector, Head or other Constable of the Constabulary Force, so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to seize such Arms and apprehend such Offender, and to convey him or

or cause him to be conveyed as soon as conveniently may be before a Justice of the Peace; and such Justice may, if he shall so think fit, require the Person so apprehended and brought before him to give sufficient Security, by Recognizance or otherwise, for his Appearance at the Petty Sessions for the District, to answer such Complaint as may be there made against him, and in default thereof shall and may commit such Person to any Gaol, Bridewell, House of Correction, or other Prison in the same County, there to remain until the meeting of such Petty Sessions: Provided always, that no Person so apprehended shall on any Pretence whatsoever be detained for a longer Period than Twelve Hours from the Time of his Apprehension until he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons, according to the Provisions herein-after mentioned, as if no such Apprehension had taken place: Provided also, that if Security as aforesaid be not required, or, being required, shall be given, or if the Person so apprehended shall be discharged, the said Arms so seized shall be restored.

Persons apprehended to be brought before a Justice within Twelve Hours.

Penalty for refusing to allow Examination of Arms, or to tell Name and Abode.

XVI. And be it enacted, That any Person carrying Arms who shall refuse to allow any Justice or County Inspector, Sub-Inspector, Head or other Constable of the Constabulary Force, so requiring to examine the same, or who shall refuse to tell his Christian Name, Surname, and Place of Abode, or who shall give any false or fictitious Christian Name, Surname, or Place of Abode, shall forfeit any Sum not exceeding Five Pounds.

Persons acquiring Arms before the Sessions exempted from the Penalty if they give Notice to the Petty Sessions.

XVII. Provided always, and be it enacted, That no Person shall be liable to the Penalty or Forfeiture aforesaid, in respect of any Arms found in his Custody or Possession for which he shall not have obtained a Licence duly granted to him pursuant to the Provisions of this Act, until after the First General Sessions of the Peace for the County or Place wherein he may reside holden Twenty-one clear Days next after the Time when such Arms shall have come into his Custody or Possession, provided he shall have purchased or obtained the same from a licensed Dealer in or Maker of Arms, or from a Person duly licensed to keep Arms, and shall within Seven Days after purchasing or obtaining the same have lodged with the Clerk of the Petty Sessions, or with any Sub-Inspector or Head Constable of the said Constabulary Force for the District wherein he may reside, a Declaration in the Form (D.) in the Schedule to this Act annexed, signed by himself and by the Person from whom he shall have purchased or obtained the same, specifying the Number and Description of the said Arms, and the Date when the same came into his Possession; and the said Clerk of the Petty Sessions, Sub-Inspector, or Head Constable shall endorse on every such Declaration the Date of the Delivery thereof, and preserve the same, and shall, without Fee or Reward, sign and deliver an Acknowledgment

knowledgment in Writing of such Notice to the Party lodging such Declaration.

In case of Death of licensed Person Licence may be temporarily assigned to some Member of the Family by Justices at Petty Sessions.

XVIII. And be it enacted, That upon Information of the Decease of any Person who shall have obtained a Licence to keep Arms under the Provisions of this Act, and upon the Production of such Licence and the Arms to which the same may refer, it shall be lawful for any One or more Justices at Petty Sessions for the District wherein he may have resided to assign and transfer the Licence of such deceased Person, by Endorsement thereon under his or their Hands and Seals, to any Person they may think fit, who may apply to them for that Purpose, being a Member of the Family of the deceased Person, and by virtue of such Endorsement the Person named and described in such Endorsement shall be deemed and taken to be duly licensed to keep the Arms mentioned in such Licence, until the General Sessions of the Peace to be held Twenty-one clear Days next after the Date of such Endorsement, but no longer; and the Clerk of the Petty Sessions shall transmit Notice of the Decease of every such licensed Person, and of the Endorsement of his Licence, to the Clerk of the Peace for the County or Place in which such deceased Person was resident at the Time of granting such Licence, who shall make a Note thereof in the Registry herein-before directed to be kept by him: Provided always, that in case the said Justice or Justices shall not think fit to assign such Licence they shall cause the Arms to be deposited with the Sub-Inspector of the Constabulary Force for the said County or Place, or with some licensed Dealer in Arms, until a Licence shall be obtained to keep such Arms, or until the same shall be sold: Provided also, that no Member of the Family of a Person deceased who had at the Time of his Decease a Licence to keep Arms shall be liable to any Penalty for having such Arms, until after the General Sessions of the Peace to be held Twenty-one clear Days next after the Decease of such licensed Person, unless he shall have been required by some Justice of the Peace or other Peace Officer to deposit such Arms with the Sub-Inspector of the Constabulary Force, or with some licensed Dealer in Arms, and shall have refused or neglected so to do, or shall not have obtained a Transfer Licence from the Justices at Petty Sessions.

Clerk of Petty Sessions to transmit Notice thereof to Clerk of the Peace, who shall note it in Registry.

In case Magistrates do not think fit to assign.

Proviso as to the Members of the Family of the deceased Person.

Persons licensed to keep Arms, disposing of the same, shall give Notice of such Sale.

XIX. And be it enacted, That whensoever any Person licensed to keep Arms under this Act shall sell or dispose of the same or any of them he shall, within Seven Days next after so selling or disposing of the same, deliver to the Clerk of the Petty Sessions, or to any Sub-Inspector or Head Constable of the said Constabulary Force for the District wherein he may reside, a Notice in the Form (E.) in the Schedule to this Act annexed, stating therein the Name and Abode of the Person to whom he may have so sold or disposed of such Arms, and the Time when and the Arms so sold or disposed of; and every such Clerk of Petty Sessions, Sub-Inspector, or Head Constable shall endorse on every such Notice the Date of the Delivery thereof, and preserve all such Notices, and shall sign and deliver, without Fee or Reward, to the Party delivering any such Notice, an Acknowledgment thereof in Writing; and if any Person licensed to keep Arms shall sell or dispose of his Arms or any of them without giving within the

Penalty.

Period before limited such Notice as aforesaid, he shall for such Offence forfeit any Sum not exceeding Five Pounds.

Licensed Persons shall produce Arms when required by Justices at Petty Sessions.

XX. And be it enacted, That every Person licensed under this Act to keep Arms shall from Time to Time, but not oftener than once in every Three Months, when thereto required by any Two or more Justices at Petty Sessions within their respective Jurisdictions, by Warrant under their Hands and Seals, produce to any Sub-Inspector or Head Constable of the said Constabulary Force named in such Warrant, upon Demand made at the Place of keeping such Arms, the Arms which he shall have been so licensed to keep; and in case such Person shall not have the Arms which he may have been licensed to keep he shall so state to the Sub-Inspector or Head Constable; and any licensed Person who, being so required to produce his Arms, shall not produce the same pursuant to such Warrant as aforesaid, or account for the same to the Satisfaction of such Justices, shall be subject to the Penalty herein-before provided against Persons having Arms without a Licence to keep the same.

Justices may withdraw Licences, and cause Names to be erased, and give Notice to such Persons.

XXI. And be it enacted, That it shall and may be lawful for the Justices of the Peace at any General Sessions of the Peace, on the Application of any Justice of the Peace or Peace Officer, to withdraw, if they shall think fit, any Licence for the keeping of Arms theretofore granted from any Person whom they may deem an improper Person to be intrusted with Arms, provided that such Licence shall not be withdrawn unless Fourteen clear Days Notice of such Application, and of the Grounds upon which it is alleged such Person ought to be deemed an improper Person, according to the Form (I.) in the Schedule to this Act annexed, shall have been served on the Person against whom such Application shall be made, either personally or by leaving the same at his Dwelling House; and in case such Justices shall decide on withdrawing any such Licence from any such Person, they shall cause a Notice to be served on such Person, or to be left at the Dwelling House or other Place specified in the said Registry to be then the Abode of such Person, signed by any Two of the Justices of such Session, and countersigned by the Clerk of the Peace under their Authority, that such Licence is withdrawn: Provided always, that such Justices shall not decide upon any other Grounds than One or more of the Grounds of which Notice shall have been given as aforesaid.

Persons served with such Notices who do not deliver up their Licences and Arms shall be liable to Forfeiture.

XXII. And be it enacted, That if any Person whose Licence may be so withdrawn shall not, within Seven Days after Service of or leaving such Notice thereof, deliver to some neighbouring Justice of the Peace at his Place of Abode, or to the County or Sub Inspector of the Constabulary Force for such County or Place, the Licence granted to such Person and all such Arms as were thereby authorized to be kept, or account for the same to the Satisfaction of the Justices at Petty Sessions for the District, such Person shall be subject and liable to the Penalty herein-before provided against Persons having Arms without a Licence to keep the same, except when it shall appear to the Magistrates before whom such Offence is prosecuted that the Delay arose from accidental Circumstances, and not from

from wilful Neglect; and all such Arms so delivered up shall be forthwith deposited with the County or Sub Inspector of the said Constabulary Force for such County or Place, who shall either retain the Arms which he shall so receive, or deposit the same with some licensed Dealer in Arms for Sale, according to the Desire of the Owner thereof.

Justices, &c. may enter Houses on Suspicion of having Arms unregistered, &c.

XXIII. And be it enacted, That if Information in Writing shall be given to any Two or more Justices of the Peace for any County, County of a City or Town, on the Oath of One or more credible Witness or Witnesses, that to the best of his or their Knowledge or Belief any Person is in the Possession of Arms without a Licence to keep the same, or that any Person licensed under this Act is in the Possession of Arms not specified in such Licence or not duly marked, or that any Person is in the Possession of Arms whose Licence to keep the same shall have been withdrawn, or that Pikes or Pike Heads are in the House, Grounds, or Premises of any Person in such County, County of a City or Town, it shall and may be lawful for such Justices of the Peace to enter and search, or by Warrant under their Hands and Seals to authorize and empower any Sub-Inspector or Head Constable of the said Constabulary Force therein named, with any Men of such Force, to enter and search the House, Grounds, and Premises of and belonging to such Person, and in case Admission shall be refused, or not obtained within a reasonable Time after it shall have been demanded, to enter by Force into such House, Grounds, and Premises, and every Part thereof, and if any Arms shall be found in the Possession of any such Person not having a Licence to keep the same, or whose Licence shall have been withdrawn, or if any Arms shall be found in the House, Grounds, or Premises of such Person not specified in his Licence or not duly marked, or if any Pikes or Pike Heads shall be found on such Search, to seize and carry away the same for the Use of Her Majesty: Provided always, that no such Warrant shall be executed between Sunset and Sunrise except in the Presence of a Justice of the Peace, or between Sunrise and Sunset except in the Presence of a Justice of the Peace or a County or Sub Inspector of the said Constabulary Force.

Two Justices having Suspicion that Arms are unlawfully kept in any County, they may report to the Lord Lieutenant, who by Warrant may order general Search to be made for them.

XXIV. And be it enacted, That whenever any Two or more Justices of the Peace in any County, County of a City or Town, in *Ireland*, shall have reasonable Grounds of Suspicion that any Person or Persons within such County, County of a City or Town, is or are unlawfully in possession of Arms, or that any Pikes or Pike Heads are in any House or Place within such County, County of a City or Town, such Justices of the Peace shall transmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being a Report, signed by them, of such Suspicion, with the Grounds and Reasons thereof; and upon the Receipt of such Report it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, by Warrant under the Hand of his or their Chief or Under Secretary, to authorize and require such Justices or any other Justice, or any County or Sub Inspector or Head Constable of the Constabulary Force therein named, with any Men of such

such Force, acting under the Order of One or more Justice or Justices to be named in such Warrant, to enter and search, within a Time to be specified in such Warrant, all Houses and Places within and throughout such County, County of a City or Town, or any Parish, Barony, or Half Barony of such County, County of a City or Town, or such Part thereof respectively as shall be specified in such Warrant, and in case Admission shall be refused, or not obtained within a reasonable Time, to enter by Force into any such House or Place, and if any Arms, Pikes, or Pike Heads kept contrary to the Provisions of this Act shall be found therein to seize and carry away the same to the Use of Her Majesty: Provided always, that no such Warrant shall be executed between Sunset and Sunrise, except in the Presence of a Justice of the Peace or a County or Sub Inspector of the said Constabulary Force.

Proviso.

Penalty on Persons having Pikes, &c. in their Possession.

XXV. And be it enacted, That every Person in whose Possession any Pike or Pike Head shall be found upon any Search authorized to be made by this Act, being thereof convicted by due Course of Law, shall be deemed guilty of a Misdemeanor, and shall for the First Offence be imprisoned for any Period not exceeding Twelve Calendar Months, and for the Second and every other Offence be liable to be imprisoned for any Period not exceeding Three Years, unless such Person shall prove to the Satisfaction of the Court before which he shall be tried for the said Offence that such Weapon as aforesaid was in his Possession for some lawful Purpose, or without his Knowledge, Privity, or Consent.

No Arms, Gunpowder, &c. shall be imported into Ireland without Licence from the Lord Lieutenant.

XXVI. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to import or bring into *Ireland* any Gun, Pistol, or other Fire-arms, or any Lock, Stock, Barrel, or other Part of any Gun, Pistol, or other Fire-arms, or any Bullets, Gunpowder, or Ammunition, without having first obtained a Licence for that Purpose under the Hand of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief or Under Secretary, which Licence shall be in force for such Time as shall be therein limited, and shall specify the Number and particular Kind of Guns, Pistols, or other Arms, or of Locks, Stocks, Barrels, or other Parts thereof, and the Quantity of Bullets, Gunpowder, or Ammunition thereby licensed to be imported or brought.

Persons may import Arms for personal Defence or sporting, on registering the same with Officer of the Port.

XXVII. Provided always, and be it enacted, That it shall be lawful for any Subject of Her Majesty coming into *Ireland* to import or bring such Arms as are usually carried for personal Defence or for sporting, but no other, upon registering such Arms, and the Name and usual or intended Place of Abode of such Person, with the chief Officer of the Port where such Person shall land, and obtaining from such Officer a Licence for the same, which Licence shall be granted without any Fee or Reward, and shall authorize and empower such Person to keep such Arms, without incurring any of the Penalties or Forfeitures of this Act, until the General Sessions of the Peace to be holden Twenty-one clear Days next after the Date thereof for the County or Place wherein such Person shall reside, and for such further

Period, not exceeding Six Calendar Months, as may be limited by any Two or more Justices of the Peace assembled at Petty Sessions for the District wherein such Person may abide, and which they are hereby authorized to limit on the Application of such Person, and upon Proof of his not being permanently resident in *Ireland*.

Arms, &c. imported without Licence to be forfeited;

XXVIII. And be it enacted, That if any Person shall, contrary to the Provisions of this Act, import or bring into *Ireland* any Gun, Pistol, or other Fire-arms, or any Stock, Lock, Barrel, or other Part of any Gun, Pistol, or other Fire-arms, or any Bullets, Gunpowder, or Ammunition, all such Articles shall be forfeited to Her Majesty, and shall and may be seized by any Justice of the Peace or Peace Officer, or by any Officer of Her Majesty's Excise or Customs; and all such Articles shall, when so seized, be deposited in such Place or Places as shall be appointed for the Purpose by the said Lord Lieutenant or other Chief Governor or Governors; and every Importer or Bringer thereof, whether Owner thereof or not, shall for every such Importation or bringing forfeit any Sum not exceeding Ten Pounds.

and Penalty of 10*l.* on Importer.

No Person in Ireland shall manufacture Gunpowder without Licence of Lord Lieutenant, &c.

XXIX. And be it enacted, That from and after the Commencement of this Act no Person shall make or manufacture any Gunpowder in *Ireland* unless such Person shall have obtained a Licence for such Purpose under the Hand of the said Lord Lieutenant or other Chief Governor or Governors, or his or their Chief or Under Secretary; and the Place where such Gunpowder is to be made or manufactured, and every Store or Place belonging to such Manufacturer or other Person in which such Gunpowder is to be kept, shall be set forth and described in such Licence, together with the Name of the Person superintending the Work at the Mills of such Maker or Manufacturer of Gunpowder, and, if such Maker or Manufacturer of Gunpowder shall have any Office or Place of Delivery separate from such Mills, the Name of the Person to whom the Gunpowder shall be consigned at such Office and the Place where such Office is situated shall also be set forth and described in such Licence; and if any Person shall after the Commencement of this Act make or manufacture any Gunpowder in *Ireland* without being so licensed for that Purpose, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds, and all Gunpowder, and all Materials for making the same, found in the Possession of or in any House or other Place belonging to such Offender shall be forfeited to the Use of Her Majesty.

Penalty 50*l.* and Forfeiture of Gunpowder, &c.

No Person not licensed as a Manufacturer shall sell Gunpowder without a Licence for that Purpose.

XXX. And be it enacted, That from and after the Commencement of this Act no Person, not being duly licensed to manufacture Gunpowder as aforesaid, shall deal in or sell Gunpowder by Retail or otherwise in *Ireland*, unless he shall have obtained a Licence for that Purpose from the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief or Under Secretary; and no such Licence shall be granted without a Certificate, under the Hands and Seals of Two or more Justices of the Peace in Petty Sessions assembled for the District within which such Person shall

carry on such Trade, in the Form (F.) in the Schedule to this Act annexed, that such Person is a proper Person to obtain the same, and that his Stores are secure and fit for the Purpose of keeping Gunpowder; and any Person who shall sell Gunpowder, by Retail or otherwise, without being licensed for that Purpose, or without being licensed to manufacture Gunpowder as aforesaid, shall forfeit for every such Offence the Sum of Fifty Pounds, and all Gunpowder, and every Cask or Vessel in which the same shall be contained, found in the Possession of or in any House or other Place belonging to such Person shall be forfeited to the Use of Her Majesty.

Penalty 50*l.* and Forfeiture of Gunpowder, &c.

No Dealer shall sell Gunpowder but to a licensed Dealer or to a Person licensed to keep Arms, except for mining or blasting, under the Certificate of One or more Justices.

XXXI. And be it enacted, That every Maker of or Dealer in Gunpowder, his Agent or Servant, shall, before selling or delivering any Quantity of Gunpowder to any Person, require such Person to produce a Licence authorizing him to make, deal in, or sell Gunpowder, or to keep Arms, or, in case such Gunpowder shall be wanted for the Purpose of mining or blasting, a Certificate, to be obtained as herein-after mentioned, under the Hands of One or more Justices of the Peace, that such Gunpowder is to be applied to such Purpose, and in the Case of Gunpowder required for mining or blasting shall endorse on such Certificate the Quantity so sold or delivered, and the Time when, and shall sign his Name thereto; and if any Maker of or Dealer in Gunpowder, his Agent or Servant, shall sell or deliver any Quantity of Gunpowder to any Person without the Production of such a Licence or Certificate, or shall neglect to endorse on such Certificate the Quantity so sold or delivered and the Time when, and to sign his Name thereto, he shall for the First such Offence forfeit any Sum not exceeding Five Pounds, and for any Second Offence he shall forfeit any Sum not exceeding Ten Pounds.

Penalty.

A Certificate to purchase Gunpowder for mining or blasting may be granted by One or more Justices.

XXXII. And be it enacted, That it shall and may be lawful for any One or more Justices of the Peace, upon the Application of any Person desirous of purchasing Gunpowder for the Purpose of mining or blasting, to grant to such Person a Certificate in the Form (G.) in the Schedule to this Act annexed, authorizing such Person to purchase any Quantity of Gunpowder to be specified in such Certificate, to be applied to such Purpose, upon being satisfied that such Gunpowder is wanted for such Purpose, and that the Applicant is, in his or their Judgment, a fit Person to be intrusted therewith.

No Gunpowder or Ammunition to be kept by unlicensed Persons.

XXXIII. And be it enacted, That from and after the Commencement of this Act no Person, unless duly licensed to make or manufacture, or sell or deal in Gunpowder, or to keep Arms, shall keep any Bullets or Ammunition or Gunpowder, except for the Purpose of mining or blasting, by virtue of such Certificate as aforesaid; and that any Person not so licensed, or not having such Certificate, in whose Custody or Possession any Gunpowder, Bullets, or Ammunition whatever shall be found, shall forfeit the same to the Use of Her Majesty, and shall also incur the like Penalty and Forfeiture as herein-before provided against Persons in whose Custody or Possession Arms shall be found without a Licence to keep the same.

XXXIV. And

Notice shall be given of sending out Arms, and they shall be marked.

XXXIV. And be it enacted, That every Maker of and Dealer in Arms who shall send out any Arms shall within Twenty-four Hours thereafter give Notice in Writing thereof at the nearest Police or Constabulary Station, and shall send all such Arms either uncovered or in Packages conspicuously marked with the Word "Arms"; and if any such Manufacturer or Dealer shall send out any Arms, and shall neglect to give such Notice within such Time as aforesaid, or shall send out any Arms covered, and without being so marked, such Manufacturer or Dealer so offending shall forfeit any Sum not exceeding Ten Pounds.

Notice shall be given of sending out Gunpowder.

Penalty on Fraud by Manifest, 20*l.*, &c.

XXXV. And be it enacted, That every Person licensed to manufacture or sell Gunpowder, who shall send out any Quantity thereof exceeding Twenty-five Pounds Weight, shall within Twenty-four Hours thereafter give Notice in Writing thereof at the nearest Police or Constabulary Station; and that with every Quantity of Gunpowder exceeding the Weight aforesaid so sent a Manifest shall be sent, expressing the Quantity sent, and whether in Barrels, Half Barrels, or Quarter Barrels, and the Places from which and to which it is sent, which Manifest shall be dated and signed by the Maker or Vendor of such Gunpowder, or his Superintendent or Agent; and if any Person licensed to manufacture or sell Gunpowder shall send out any Quantity thereof exceeding the Weight aforesaid, and shall neglect to give such Notice within such Time as aforesaid, or if any Quantity exceeding the Weight aforesaid shall be sent without such Manifest, or if any greater Quantity of Gunpowder than what is expressed in such Manifest shall be so sent, or if the Gunpowder therein mentioned shall be sent to any other Place than to the Place mentioned in such Manifest, the Person sending the same shall forfeit any Sum not exceeding Twenty Pounds.

Gunpowder exceeding Twenty-five Pounds Weight shall be removed in Casks, &c.

Penalty, 20*l.*

XXXVI. And be it enacted, That all Gunpowder exceeding Twenty-five Pounds Weight which shall be removed from any Part of *Ireland* to any other Part of the same shall be made up in Casks with the Word "Gunpowder" marked thereon in large Letters, upon pain of forfeiting the same to Her Majesty; and that it shall be lawful for any Person to seize and carry to Her Majesty's Stores any Quantity of Gunpowder exceeding Twenty-five Pounds Weight which shall not be so made up and marked; and the Person who shall have caused such Gunpowder to be carried without being so made up or marked shall forfeit for each such Offence any Sum not exceeding Twenty Pounds.

Penalty on licensed Persons lending Licences to unlicensed Persons.

XXXVII. And be it enacted, That if any Person having a Licence to deal in or sell Gunpowder or to keep Arms, or any such Certificate to obtain Gunpowder for blasting, or any Certificate given in lieu of a Licence to keep Arms, shall lend or permit the same to be used for the Purpose of procuring Gunpowder or Ammunition for the Use of any other Person, or if any Gunpowder or Ammunition bought in the Name of any Person so licensed shall, with the Consent of such Person, be carried, brought, or delivered to any other Person not being licensed, or if any Gunpowder procured for the Purpose of mining or blasting shall be applied to any other Purpose, with

with the Knowledge or Consent of the Person holding such Certificate, the Person so licensed, or the Person holding such Certificate, and also the Person so applying such Gunpowder to any other Purposes, shall forfeit any Sum not exceeding Twenty Pounds.

Gunpowder Makers and Dealers, within Thirty Days after Commencement of Act, and afterwards monthly, shall return Account of their Stock to Inspectors, &c. of Constabulary, and keep Books with Accounts of Sales, &c., to be inspected and Stock examined under Orders of Inspector General.

XXXVIII. And be it enacted, That every Maker or Manufacturer of Gunpowder, and every Person dealing in or selling the same, in *Ireland*, shall within Thirty Days after the Commencement of this Act return an Account to the County Inspector, Sub-Inspector, or Head Constable of the Constabulary Force for the District in which he shall reside, of all the Stock of Gunpowder then in his Possession, describing the Place or Places where the same shall be kept and the Packages containing the same, and shall provide a Book in which such Quantity shall be entered, and shall from Time to Time in the First Week of every Calendar Month make or cause to be made a like Return and like Entry; and every such Maker or Manufacturer or Dealer in Gunpowder, by Wholesale or Retail, shall also enter or cause to be entered in a separate Book, to be by him for that Purpose provided, and which shall be kept in such Form as shall be from Time to Time directed by the Inspector General of the Constabulary Force, and distinguished by the Name of "The Book of Sales," an Account of every Parcel of Gunpowder sold or disposed of or delivered, with the Time when and to whom; and it shall be lawful for any Person authorized by the said Inspector General of the Constabulary Force, or for any Justice of the Peace, or County Inspector or Sub-Inspector of the Constabulary Force, at all reasonable Times to have Access to such Books, and to examine the Stock of such Maker or Seller of Gunpowder, and compare and balance the same with the Account kept in such Books; and the several County Inspectors, Sub-Inspectors, or Head Constables to whom such Accounts and Returns shall be rendered shall from Time to Time transmit the same to the said Inspector General as they may be by him directed; and if any such Maker or Manufacturer of or Dealer in Gunpowder shall not make such Returns, or shall not truly make the same, or shall not keep such Books, or shall not truly make or cause to be made such Entries therein, or shall not, after Demand, produce such Books to any Person hereby or by such Inspector General authorized as aforesaid, or shall not permit any such Person to inspect the same or to examine his Stock, he shall for the First Offence forfeit any Sum not exceeding Ten Pounds, and for any Second Offence shall forfeit any Sum not exceeding Twenty Pounds.

Licences to be had for making or repairing Arms.

XXXIX. And be it enacted, That from and after the Commencement of this Act no Person shall make, mend, repair, or keep for or expose to sale in *Ireland*, by way of Auction or otherwise, any Gun, Musket, Pistol, or other Fire-arms, or any Part thereof, without a Licence from the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors; and no such Licence shall be granted without a Certificate under the Hands and Seals of One or more Justices of the Peace in Petty Sessions, in the Form (H.) in the Schedule to this Act annexed, that such Person is a proper Person to obtain the same; and if any Person shall make,

mend, repair, or keep for or expose to sale any Gun, Musket, Pistol, or other Fire-arms, or Part thereof, without being so licensed, every such Offender shall forfeit any Sum not exceeding Fifty Pounds. Penalty, 50*l.*

XL. And be it enacted, That any Person who shall make or assist in making any Pike or Pike Head shall, being thereof lawfully convicted, be adjudged guilty of a Misdemeanor, and be liable to be imprisoned for any Term not exceeding Three Years, with or without hard Labour: Provided always, that nothing herein contained shall extend or be construed to extend to any Persons having or making such Weapons as aforesaid in the Service or for the Use of Her Majesty, Her Heirs and Successors. Penalty on Persons making or assisting in making Pikes, &c. without Licence.

XLI. And be it enacted, That every Person licensed as last aforesaid, who shall make, repair, or sell any Gun, Pistol, or other Fire-arms, or any Part thereof, shall keep a Book in which he shall enter or cause to be entered a monthly Account of all such Articles made, sold, or repaired by such Person, and to or for whom the same were sold or repaired, and the respective Times when, and shall every Month return a Copy of such Account to the County Inspector, Sub-Inspector, or Head Constable of the Constabulary Force for the District, who shall transmit the same to the Inspector General of the said Force; and it shall be lawful for any Person empowered for that Purpose by the said Inspector General, or for any Justice of the Peace, or County Inspector or Sub-Inspector of the Constabulary Force, at all reasonable Times, on Demand, to have Access to such Book, to examine the same; and if any Person licensed as last aforesaid, making, repairing, or selling any such Article, shall not keep such Book, or shall not truly enter or cause to be entered therein such Account as aforesaid, or shall omit to make any such Return as aforesaid, or shall not, after Demand, produce such Book to any Person hereby or by the said Inspector General authorized as aforesaid, or shall not permit such Person to examine the same, he shall for the First Offence forfeit any Sum not exceeding Ten Pounds, and for any Second Offence shall forfeit any Sum not exceeding Twenty Pounds. Monthly Account of Arms sold, &c. shall be kept and returned to Inspector, &c. of Constabulary Force. Books may be examined. Penalty on Default, &c. 20*l.*

XLII. Provided always, and be it enacted, That it shall and may be lawful for the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by an Order in Writing under his Hand, from Time to Time, whenever and so often as shall seem expedient, and for such Period of Time as shall be expressed in such Order, to recal, annul, suspend, or prohibit the acting under the Authority of any Licence to make, manufacture, or deal in and sell Gunpowder, or to make, repair, or sell Arms, granted under this Act; and the Party to whom such Order shall relate shall be served with Notice of the same by the Delivery of a Copy thereof to such Party in Person, or by a Copy thereof being left at the Shop or Warehouse of such Party; and any Person so licensed, and served with such Order, who shall, at any Time whilst such Order shall be in force, make, manufacture, deal in, or sell Gunpowder, or make, repair, or sell Arms, shall be considered as dealing Licences under this Act may be suspended on Notice from Chief or Under Secretary to Party licensed. Penalty on making or selling Gunpowder during Suspension of Licence.

dealing in or manufacturing the same without Licence; and all Gunpowder and Arms, and Parts of Arms, in the Possession of such Person shall and may be seized to the Use of Her Majesty, by or under the Warrant of any Justice of the Peace, or by any Officer of Her Majesty's Revenue of Customs or Excise.

Justice of Peace may search or authorize the searching for Arms and Gunpowder kept contrary thereto.

XLIII. And be it enacted, That it shall and may be lawful to and for any Justice of the Peace within his Jurisdiction to enter and search, or by Warrant under his Hand and Seal to authorize any County Inspector, Sub-Inspector, or Head Constable of the said Constabulary Force therein named, with any Men of the said Force, to enter and search, any House, Place, Ship, Boat, or Vessel in which such Justice shall from Information on Oath have reasonable Grounds to suspect any Arms, Ammunition, or Gunpowder to be deposited by or for the Use of any Person importing the same contrary to this Act, and in case Admission shall be refused, or not obtained within a reasonable Time, to enter by Force into any such House, Place, Ship, Boat, or Vessel, and if any such Arms, Ammunition, or Gunpowder shall be found therein by them, contrary to the Provisions of this Act, to seize and carry away the same: Provided always, that no such Warrant shall be executed between Sunset and Sunrise, except in the Presence of a Justice of the Peace.

Proviso.

How Arms and Gunpowder seized shall be disposed of.

XLIV. And be it enacted, That whenever any Justice or other Person shall seize or carry away any Arms, Ammunition, Gunpowder, or Weapons, under the Authority of this Act, he shall, unless herein otherwise provided, with all convenient Despatch deliver the same to the nearest County or Sub Inspector of the said Constabulary Force, who shall transmit the same to One of Her Majesty's Storehouses, or to the Officer commanding the nearest Detachment of Her Majesty's Troops, to be by him transmitted as aforesaid; and such Justice or other Person as aforesaid shall, immediately after he shall have so seized or carried away any Arms, Ammunition, Gunpowder, or Weapons as aforesaid, transmit to the said Lord Lieutenant or other Chief Governor or Governors, or to his or their Chief or Under Secretary, a written Account of the Number and Nature and Amount thereof, and of the Place where and the Person from whom the same were respectively seized.

How Offences against this Act incurring a Penalty not exceeding 20*l.* may be tried.

XLV. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalty, Fine, or Forfeiture not exceeding Twenty Pounds shall and may in every Case be heard, adjudged, and determined in a summary Way by and before Two or more Justices of the Peace in Petty Sessions assembled for the County, Town, or Place within which such Offence shall have been committed or the Cause of Complaint arisen, or in which the Party offending or complained against shall happen to be; and upon Complaint being made before any One Justice of the Peace as aforesaid of any Offence against the Provisions of this Act he shall issue a Summons requiring the Party offending or complained against to appear at the Petty Sessions of the District at a Time and Place to be named in such Summons; and every such Summons shall be

served on the Party offending or complained against, or left at his last Place of Residence or of Business; and the Justices at such Petty Sessions shall, upon the Appearance of the Party complained against, or Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at the last Place of Residence or of Business of the Party offending or complained against, proceed to the Adjudication of such alleged Offence; and that if, upon Confession of the Party, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Justices are hereby empowered and required to administer), the Party accused shall appear to have committed such Offence, then and in every such Case the said Justices shall and may impose upon the Offender such Fine, Forfeiture, or Penalty as by this Act such Offender is made subject and liable to; and the Amount of such Fine or Penalty, with or without the Costs of Conviction, to be ascertained by such Justices, shall be forthwith paid by the Party so convicted as aforesaid; and in case of Nonpayment thereof then the same, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, shall and may, by Warrant under the Hands and Seals of such Justices (which they are hereby authorized and required to grant), be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender, wheresoever the same can be found; and that the Surplus (if any) arising from such Distress and Sale, after deducting such Fine or Penalty, together with the Costs of Conviction, and the reasonable Expences attendant upon such Distress and Sale, shall be rendered to the Owner or Owners of the Goods and Chattels so distrained; and that if upon the Return of such Warrant it shall appear that no sufficient Distress can be found, or in case the said Fine or Penalty, and such Costs as aforesaid, shall not be forthwith paid, or in case it shall appear to such Justices, either by Confession of the Offender or otherwise, that such Offender hath not sufficient Goods or Chattels whereout such Fine or Penalty and Costs may be levied, it shall and may be lawful to and for the said Justices, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol or any House of Correction or other Prison in the said County, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month where the Fine or Penalty imposed shall not exceed Five Pounds, and not exceeding Three Months in any Case, unless such Fine or Penalty, together with all such Costs and Expences as aforesaid, shall be sooner paid and satisfied.

Penalty to be recovered by Distress and Sale of Offender's Goods.

If no Goods or Chattels, Offender may be imprisoned.

XLVI. And be it enacted, That all pecuniary Fines, Penalties, or Forfeitures exceeding the Sum of Twenty Pounds imposed by this Act may be sued for and recovered, in the Name of Her Majesty's Attorney General, in the Court of the Assistant Barrister, Chairman of Sessions, or Recorder having Jurisdiction in the County, County of a City, or County of a Town, or Borough, where the Offence shall have been committed or the Offender shall happen to be; and that any Forfeiture of any Article or Thing which by virtue of this Act shall be forfeited shall, save as herein otherwise provided, be sued for, recovered, and applied in the Manner and Form, and by the Ways and Means, and with the Powers and Authorities prescribed, directed, or appointed

Recovery of Fines and Penalties exceeding the Sum of 20*l*.

appointed in and by any Law relative to Her Majesty's Revenue of Excise, as if the same were particularly mentioned and expressed and re-enacted in this present Act, with the like Remedy of Appeal to and for any Party who shall think himself or herself aggrieved or injured as in and by any Law relating to Her Majesty's Revenue of Excise is provided.

Lord Lieutenant may remit Penalties, &c.

XLVII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at his and their Discretion, to remit or mitigate any Penalty or Forfeiture or Punishment incurred under this Act, and to order the Restoration of any Arms, Gunpowder, or Ammunition, or other Article seized under the Authority of this Act, upon such Terms and subject to such Conditions as to him or them shall seem fitting.

Proof of Licence to lie on the Person claiming the Benefit of it.

XLVIII. And be it enacted, That if in any Prosecution or Proceeding under this Act any Question shall arise as to whether any Person is duly licensed, within the Meaning thereof, for any of the Purposes for which a Licence is required by this Act, or as to whether any Person has given any Notice or Declaration required by this Act, the Proof that such Person is so licensed or has given such Notice or Declaration shall lie on the Party against whom such Prosecution or Proceeding shall be had, and not on the Party complaining; provided that it shall be lawful for the Court to impose Costs upon any Person who may have made a vexatious Complaint.

Grand Juries may present Sums necessarily disbursed for marking Arms and for paying Clerks of the Peace for executing this Act.

XLIX. And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland*, at each Assizes, and for the Grand Juries at each Presenting Term for the County of *Dublin* and County of the City of *Dublin*, and they are hereby respectively required, to present such Sums to be raised off the County as shall have been necessarily disbursed in marking Arms under the Provisions of this Act in such County, County of a City or Town, and such Sums as shall appear to them to have been necessarily disbursed shall be paid to the Officer by whom such Disbursements shall have been made; and it shall be also lawful for the said Grand Juries at each Assizes or Presenting Term to present such Sums as may be necessary to pay the Clerks of the Peace and Petty Sessions respectively for their Trouble and Expences in the Execution of this Act.

This Act not to extend to Her Majesty's Forces, &c.

L. Provided always, and be it enacted, That nothing in this Act contained shall apply to or affect any Person serving in Her Majesty's Forces, or in any Corps of Militia or Yeomanry actually embodied, or on the Staff of the Militia, or any Officer or Man of the Constabulary Force or Metropolitan Police, or Coast Guard or Revenue Police, in respect of any Arms or Ammunition intrusted to or used by any of them in their respective Capacities as aforesaid.

Members of Yeomanry

LI. Provided always, and be it enacted, That Licences shall be required for all Arms kept by any Member of any Yeomanry Corps not

not actually embodied, and the same shall be registered and marked pursuant to the aforesaid Provisions, and the Registry and Licence for keeping the same shall specify and distinguish which of the Arms mentioned therein belong to Her Majesty, and are intrusted to such Person as a Member of the said Corps; and every Member of such Corps shall be liable to all the Penalties and Provisions of this Act in respect of any Arms found in his Possession not mentioned in such Licence or not duly marked. Corps to register their Arms.

LII. And be it enacted, That on the Application of the Trustees or Managers of any public Museum, or any other Person or Persons having any Collection of ancient Arms or Arms of curious Manufacture, and kept for Purposes of Ornament or Curiosity and not for Use, or Arms presented to any Person or any Member of his Family for any public Service, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief or Under Secretary, to grant a Licence to such Person or Persons to keep the same, setting forth in such Licence a particular Description of such Arms; and the Person or Persons having obtained such Licence shall be authorized and empowered to keep the Arms specified therein, without such Arms being marked, and without incurring any of the Penalties or Forfeitures of this Act, so long as such Licence shall continue: Provided always, that if any Person shall use such Arms, he shall be liable to all the Penalties to which Persons having Arms in their Possession without a Licence are liable under this Act; and provided also, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief or Under Secretary, at any Time to withdraw such Licence. Licences to Museums, &c. to keep Arms without being marked. Proviso.

LIII. And be it enacted, That if any Clerk of the Peace or Clerk of Petty Sessions shall wilfully contravene or disobey any of the Provisions of this Act, he shall for each such Offence be liable to be sued for the Sum of One hundred Pounds, to be recovered by an Action of Debt or Information in the Name of Her Majesty's Attorney General in any of Her Majesty's Superior Courts of Record at *Dublin*; and the Jury may in any such Action find a Verdict for the Sum of One hundred Pounds, or for any Sum not less than Ten Pounds, as they shall think just; and the Defendant against whom such Verdict shall be found shall pay the Amount thereof, with full Costs of Suit, to the Use of Her Majesty. Penalties on Officers for Breach of Duty.

LIV. Provided always, and be it enacted, That nothing herein contained shall in anywise prejudice or affect the Right of any Party aggrieved by any such Misconduct of any Clerk of the Peace or Clerk of Petty Sessions to recover in an Action on the Case, or such other Action as such Person may by Law be then entitled to maintain. Not to prejudice Rights of Action.

LV. And be it enacted, That all such Acts, Matters, and Things as by this Act are authorized or required to be done by or in relation to any Justices at Petty Sessions or Clerk of Petty Sessions shall Provisions as to County of the City of Dublin.

and may, in the County of the City of *Dublin*, and within the Police District of *Dublin* Metropolis, be done by or in relation to the Divisional Justices at their Offices and the Chief Clerks at such Offices respectively; and that all such Acts, Matters, and Things as are authorized or required to be done by or in relation to the Inspector General of the Constabulary Force, or any Provincial Inspector, County Inspector, or Sub-Inspector, shall and may be done in the said County and within the said Police District by or in relation to the Justices of the Peace appointed under an Act of the Sixth and Seventh Years of the Reign of His late Majesty, for improving the Police in the said Police District; and that all Payments by this Act directed to be made by or to any Paymaster of the said Constabulary Force shall in the said County and within the said District be made by or to the Receiver of the said Metropolitan Police; and that wherever Mention is made in this Act of the Constabulary Force the Provision shall, in the Case of the said County and within the Limits of the said Police District, be taken to apply to the Police Force of the said District; and that all and every the Jurisdictions, Powers, and Authorities by this Act given to the Justices at any General or Quarter Sessions of the Peace shall and may be exercised in the City of *Dublin* by the Recorder of the said City, and in every other Borough having a separate Court of Quarter Sessions of the Peace by the Recorder of such Borough presiding at such Sessions.

Provisions for Places not included in any Petty Sessions District.

LVI. And whereas there are some Places not included in any Petty Session District; be it therefore enacted, That all such Acts, Matters, and Things as by this Act are authorized or required to be done by or in relation to any Clerk of Petty Sessions shall and may in such Places, except the County of the City of *Dublin*, be done by or in relation to the Clerk of the Peace acting in and for the County, County of a City or Town, wherein such Place may be situated; and that all and every the Proceedings herein directed to be had before and the Jurisdictions hereby given to the Justices at Petty Sessions shall and may in every such Place be had before and exercised by any Two or more Justices of the Peace acting in and for such Place so not included in any Petty Sessions District; and that such Justices as last aforesaid shall themselves transmit to the Clerks of the Peace all such Notices as are by this Act directed to be transmitted to such Officers by the Clerks of Petty Sessions in the Case of Justices acting at Petty Sessions.

Limitation of Actions.

LVII. And be it enacted, That in case any Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done or executed in pursuance of this Act, such Action or Suit shall be commenced within Three Calendar Months next after the alleged Cause of Action shall accrue; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereon, and prove that the same was done under the Authority of this Act.

General Form of Conviction.

LVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act shall and

may cause the Record of such Conviction to be drawn up in the Manner and Form following, or in any Words to the same Effect, as the Case shall require; (*videlicet,*)

'
' to wit. } BE it remembered, That on this Day of
' in the Year of the Reign of
' *A.B.* is convicted before Her Majesty's Justices
' of the Peace for the said County of [*or* for the
' Division of the said County of *or* for the City,
' Liberty, *or* Town of *as the Case shall happen to be*],
' for and do adjudge
' him [*or* her *or* them, *as the Case may be,*] to pay and forfeit
' for the same the Sum of and do also adjudge [*here*
' *name the Articles, Arms, &c.*] to be forfeited [*as the Case may*
' *be*]. Given under the Day and Year aforesaid.'

Proceedings not to be quashed for Want of Form.

LIX. And be it enacted, That no Order, Judgment, or Conviction made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Dublin;* and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Tender of Amends.

Appeal to Quarter Sessions.

LX. Provided always, and be it enacted, That if any Person or Persons convicted of any Offence punishable by this Act shall think him, her, or themselves aggrieved by the Judgment of the Justices before whom he, she, or they shall have been convicted, it shall be lawful for such Person or Persons from Time to Time to appeal to the Justices at the next General or General Quarter Sessions of the Peace which shall be held for the City, County, Division, Liberty, Town, or Place where such Judgment shall have been given, and that the Execution of such Judgment shall in such Case be suspended, the Person or Persons so convicted entering into a Recognizance within Twenty-four Hours of the Time of such Conviction, with Two sufficient Sureties, in double the Sum which such Person or Persons shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with Effect, and to be forthcoming to abide the Judgment and Determination of the Justices at their said next General

General or General Quarter Sessions, which Recognizance the Justices before whom such Conviction shall be had are hereby empowered and required to take; and the Justices in the said General or General Quarter Sessions are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if upon hearing the said Appeal the Judgment of the Justices before whom the Appellant or Appellants shall have been convicted shall be confirmed, such Appellant or Appellants shall forthwith pay down the Sum he, she, or they shall have been adjudged to have forfeited, together with such Costs as the said Justices in their said General or General Quarter Sessions shall award to be paid to the Prosecutor or Informer for defraying the Expences sustained by reason of any such Appeal; and in default of the Appellant's paying the same, any Two Justices, or any One Justice of the Peace having Jurisdiction in the Place into which any such Appellant or Appellants shall escape, or where he, she, or they shall reside, shall and may, by Warrant under their Hands and Seals or his Hand and Seal, commit any such Appellant or Appellants to the Common Gaol of the City, County, Division, or Place where he, she, or they shall be apprehended, until he, she, or they shall make Payment of such Penalty, and of the Costs and Charges which shall be adjudged on the Conviction; but if the Appellant or Appellants in any such Appeal shall make good his, her, or their Appeal, and be discharged of the said Conviction, reasonable Costs shall be awarded to the Appellant or Appellants against such Prosecutor or Informer, and which Costs shall and may be recovered by the Appellant or Appellants against any such Prosecutor or Informer in like Manner as Costs given at any General or General Quarter Sessions are recoverable: Provided always, that no Person shall be detained in Prison for any such Offence for any greater Length of Time than Three Calendar Months.

Determination to be final.

Costs.

Appellant not paying the Sum adjudged against him to be committed.

Costs to Appellant making good his Appeal.

LXI. And be it enacted, That this Act shall commence and take effect from such Day, not later than Six Calendar Months next after the passing of this Act, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council shall, by Order to be published in the *Dublin Gazette*, fix and appoint, and shall be and continue in force for Two Years from such Day, and from the Expiration of such Two Years until the End of the then next Session of Parliament; and that until such Day so to be fixed and appointed as aforesaid an Act passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent improper Persons from having Arms in* Ireland, and the several Acts continuing and amending the same, and also an Act passed in the First Year of the Reign of His late Majesty, intituled *An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into* Ireland, *and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in* Ireland, and the several Acts continuing and amending the same, shall be and continue in force; but that from and after such Day the said Acts shall be and the same are hereby repealed, without Prejudice, nevertheless,

Commencement and Duration of this Act, and Repeal of 47 G. 3. Sess. 2. c. 54. and 11 G. 4. & 1 W. 4. c. 44.

theless, to any Proceeding had or the Recovery of any Penalty incurred under the Provisions of the said Acts.

Interpretation of Act.

LXII. And be it enacted, That in the Construction of this Act the Word "Arms" shall be deemed and construed to include every Description of Fire-arms and Air-guns, and no other Weapon whatever; and that the Words "County of a City or County of a Town" shall apply and extend to any Borough having a separate Court of Quarter Sessions; and that the Words "Clerk of the Peace" shall extend to and mean any Person executing the Duties of Clerk of the Peace, or the same or like Duties as usually devolve upon the Clerk of the Peace; and that all Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals; unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

An Abstract of this Act to be prepared and published.

LXIII. And be it enacted, That the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall cause an Abstract of the Provisions of this Act to be prepared, and shall, in such Manner as he or they shall think convenient, cause such Abstract to be printed, published, posted, or distributed for the Information of all Persons in *Ireland* affected by the Enactments herein contained.

Act may be amended this Session.

LXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which this Act refers.

(A.)

Form of Application for Licence to keep Arms.

To the Clerk of the Petty Sessions [held at for the County of *or* for the County of the City *or* County of the Town of *or* the Clerk of the Peace for the County of *or* the Chief Clerk of the Division of Police, *as the Case may be*].

I [*here specify, if the Person applying shall be resident in a County at large, and not within a City, Town, or Borough, the Parish, Barony, or Townland; or if such Person shall be resident in a City, Town, or Borough, the Parish and Street in which he shall be resident,*] do hereby apply for a Licence to be granted to me at the next General Sessions of the Peace to be held at [in and for the County of *or* for the County of the City *or* County of the Town *or* Borough of *as the Case may be*], to keep at [*here specify the Place or Places within the Barony, Parish, or Street where the Arms are kept or intended to be kept,*] the Arms described at the Foot hereof.

Date _____

Signature _____

Guns.	Pistols.	Any other Description of Arms, naming them.

(B.)

Form of Licence to keep Arms.

This is to certify, That at a Court of General Sessions of the Peace held at in and for the County of [*or* for the County of the City *or* County of the Town of *or* Borough of *as the Case may be*], *A. B.* of [*here specify the Residence of the Party licensed,*

as

as stated in his Application for Licence] was this Day licensed to keep at [*here specify the Place as stated in the Application*] the following Arms, which are to be marked with the Number and with the Letters .

Guns.	Pistols.	Any other Description of Arms, naming them.

Given at the General Sessions of the Peace of this Day of One thousand eight hundred

Signatures _____ J. P.

_____ J. P.

Clerk of the Peace.

(C.)

Form of Certificate to be granted in lieu of Licence destroyed, defaced, or lost.

Whereas at the General Sessions of the Peace held at in and for the County of [*or* for the County of the City *or* County of the Town of *or* Borough of *as the Case may be*] a Licence to keep the Arms herein mentioned at was granted to *A. B.* of which Arms are marked with the Number and the Letters And whereas it has been proved to the Satisfaction of us and Esquires of Her Majesty's Justices of the Peace for the said County assembled in Petty Sessions, *or* General *or* Quarter Sessions, *as the Case may be*, held for the said County or Borough at being the Petty Sessions for the District, *or* being the General *or* Quarter Sessions for the Division wherein the said *A. B.* resides, that the said Licence has been [destroyed, defaced, *or* lost, *as the Case may be*]: Now we do hereby grant the said this Certificate, to be in lieu and stead of the said Licence, and of the like Force and Effect.

Given under our Hands, this Day of

(Signed) _____

_____

Guns.	Pistols.	Any other Description of Arms, naming them.

(D.)

Declaration of Person acquiring Arms before the Sessions.

I *A. B.* [*here specify, if the Person shall be resident in a County at large, and not within a City, Town, or Borough, the Parish, Barony, and Townland, or, if the Person shall be resident in a City, Town, or Borough, the Parish and Street, in which he shall be resident,*] do hereby certify, That on the Day of in the Year I purchased [*or* obtained] from *C. D.* [*here specify the Residence of the Person or Dealer from whom the Arms were bought or obtained*], who is a licensed Dealer in *or* Maker of Arms [*or* a Person duly licensed to keep Arms, *as the Case may be*], the following Arms; viz.

Guns.	Pistols.	Any other Description of Arms, naming them.

and that I intend to keep the said Arms at [*here specify the Place where the Arms are intended to be kept*].

Date _____

Signature _____

(E.)

Form of Notice to be given to the Clerk of the Petty Sessions by licensed Person disposing of Arms.

I *A. B.* of [*here specify the Residence of the Person giving the Notice*], being a [licensed Dealer in *or* Maker of Arms, *or* a Person duly licensed to keep Arms, *as the Case may be*], do hereby give Notice, That on the Day of I sold [*or* disposed of] the following Arms; viz.

Guns.	Pistols.	Any other Description of Arms, naming them.

to *C. D.* of [*here specify the Abode of the Person acquiring the Arms*].

Date _____

Signature _____

(F.)

Form of Certificate of Two or more Justices, to be obtained by Person applying for Licence to deal in Gunpowder.

We Esquires, being of Her Majesty's Justices of the Peace for the County of assembled in Petty Sessions held at for the said County, being the Petty Sessions for the District wherein *A. B.* intends to carry on [*or* carries on] the Trade of a Dealer in and Seller of Gunpowder, do hereby certify, That the said *A. B.* is a proper Person to obtain a Licence to carry on the said Trade of a Dealer in and Seller of Gunpowder, and that his Stores are secure and fit for the Purpose of keeping Gunpowder.

Given under our Hands, this Day of One thousand eight hundred

(Signed) _____

_____

(G.)

Form of Certificate to purchase Gunpowder for mining or blasting.

We being of Her Majesty's Justices of the Peace for the County of do hereby grant to *A. B.* this Certificate, authorizing him to purchase of Gunpowder, to be used for the Purpose of mining [*or* blasting], being satisfied that such Gunpowder is wanted for that Purpose, and that the said *A. B.* is in our Judgment a fit Person to be intrusted therewith.

Given under our Hands, this Day of One thousand eight hundred

(Signed) _____

_____

(H.)

Form of Certificate of Two or more Justices of the Peace, to be obtained by Person applying for Licence to make, mend, repair, or sell Arms.

We being of Her Majesty's Justices of the Peace for the County of assembled in Petty Sessions held at for the said County, do hereby certify, That *A. B.* is a proper Person to obtain a Licence to make [*or* repair *or* deal in Arms, *as the Case may be*].

Given under our Hands, this Day of One thousand eight hundred

(Signed) _____

_____

(I.)

Form of Notice of Application to withdraw a Licence to keep Arms.

To [*here insert the Name of the Person against whom the Application is to be made*].

I hereby give you Notice, That an Application will be made at the General Sessions of the Peace to be held at [in and for the County of *or* for the County of the City *or* County of the Town *as the Case may be*] on the Day of One thousand eight hundred to withdraw your Licence to keep Arms, on the Grounds stated at Foot hereof.

(Signed) *A. B.*
County Inspector, *or*
Sub-Inspector, *or*, &c.

Dated this Day of 18 .

Grounds of this Application.

1st. For that [*here state the Ground*].

2d. For that [*here state*, &c.]

3d. For that [&c.]

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXV.

An Act for giving effect to a Convention between Her Majesty and the King of the *French* for the Apprehension of certain Offenders.

[22d *August* 1843.]

WHEREAS by a Convention between Her Majesty and the King of the *French*, signed at *London* on the Thirteenth Day of *February* in the Year One thousand eight hundred and forty-three, the Ratifications whereof were exchanged at *London* on the Thirteenth Day of *March* in the same Year, it was agreed, "that the High Contracting Parties should, on Requisition made in their Name through the Medium of their respective diplomatic Agents, deliver up to Justice Persons who, being accused of the Crimes of Murder (comprehending the Crimes designated in the *French* Penal Code by the Terms Assassination, Parricide, Infanticide, and Poisoning), or of an Attempt to commit Murder, or of Forgery, or of fraudulent Bankruptcy, committed within the Jurisdiction of the requiring Party, should seek an Asylum or should be found within the Territories of the other; provided that this should be done only when the Commission of the Crime should be so established as that the Laws of the Country where the Fugitive or Person so accused should be found would

justify his Apprehension and Commitment for Trial if the Crime had been there committed;" and it is by the said Convention further stipulated, "that on the Part of the *British* Government the Surrender should be made only on the Report of a Judge or Magistrate duly authorized to take cognizance of the Acts charged against the Fugitive in the Warrant of Arrest or other equivalent judicial Document issued by a Judge or competent Magistrate in *France*, and likewise clearly setting forth the said Acts;" and it is by the said Convention further stipulated and agreed, "that the Expences of any Detention and Surrender made in virtue of the Stipulations herein-before recited should be borne and defrayed by the Government in whose Name the Requisition should have been made;" and it is by the said Convention further stipulated and agreed, "that the Provisions of the said Convention should not apply in any Manner to Crimes of Murder, Forgery, or fraudulent Bankruptcy committed antecedently to the Date thereof;" and it is by the said Convention further stipulated and agreed, "that the said Convention should be in force until after the First Day of *January* in the Year One thousand eight hundred and forty-four, after which Date either of the High Contracting Parties should be at liberty to give Notice to the other of its Intention to put an end to it, and it should altogether cease and determine at the Expiration of Six Months from the Date of such Notice:" And whereas it is expedient that Provision should be made for carrying the said Convention into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Requisition be duly made, pursuant to the said Convention, in the Name of His Majesty the King of the *French*, by His Ambassador or other accredited diplomatic Agent, to deliver up to Justice any Person who, being accused of having committed, after the Ratification of the said Convention, the Crime of Murder (comprehending the Crimes designated in the *French* Penal Code by the Terms Assassination, Parricide, Infanticide, and Poisoning), or of an Attempt to commit Murder, or of Forgery, or of fraudulent Bankruptcy, within the Territories and Jurisdiction of His said Majesty the King of the *French*, shall be found within the Dominions of Her Majesty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal, to signify that such Requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions to govern themselve accordingly, and to aid in apprehending the Person so accused and committing such Person to Gaol, for the Purpose of being delivered up to Justice, according to the Provisions of the said Convention, and thereupon it shall be lawful for any Justice of the Peace, or other Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions in which such supposed Offender shall be found, to examine upon Oath any Person or Persons touching the Truth of such Charge, and, upon

Certain Offenders to be apprehended on Requisition of the Ambassador of the King of the French.

such Evidence as according to the Laws of that Part of Her Majesty's Dominions would justify the Apprehension and Committal for Trial of the Person so accused if the Crime of which he or she shall be so accused had been there committed, it shall be lawful for such Justice of the Peace, or other Person having Power to commit as aforesaid, to issue his Warrant for the Apprehension of such Person, and also to commit the Person so accused to Gaol, there to remain until delivered pursuant to such Requisition as aforesaid.

Copies of the Depositions may be given in Evidence.

II. Provided always, and be it enacted, That in every such Case Copies of the Depositions upon which the original Warrant was granted, certified under the Hand of the Person or Persons issuing such Warrant, and attested upon the Oath of the Party producing them to be true Copies of the original Depositions, may be received in Evidence of the Criminality of the Person apprehended.

Offenders to be delivered up.

III. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to order the Person so committed to be delivered up to such Person or Persons as shall be duly authorized in the Name of the said King of the *French* to receive the Person so committed, and convey such Person to the Dominions of the said King of the *French*, to be tried for the Crime of which such Person shall be so accused, and such Person shall be delivered up accordingly; and it shall be lawful for the Person or Persons authorized as aforesaid to receive the Person so charged with Crime and committed as aforesaid to hold such Person in Custody, and take him or her to the Dominions of the King of the *French*, pursuant to the said Convention; and if the Person so accused shall escape out of any Custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such Person, in the same Manner as any Person accused of any Crime against the Laws of that Part of Her Majesty's Dominions to which he or she shall so escape may be retaken upon an Escape: Provided always, that no Justice of the Peace or other Person shall issue his Warrant for the Apprehension of any such supposed Offender until it shall have been proved to him, upon Oath or by Affidavit, that the Party applying for such Warrant is the Bearer of a Warrant of Arrest or other equivalent judicial Document, issued by a Judge or competent Magistrate in *France*, authenticated in such Manner as would justify the Arrest of the supposed Offender in *France* upon the same Charge, or unless it shall appear to him that the Acts charged against the supposed Offender are clearly set forth in such Warrant of Arrest or other equivalent judicial Document.

After Two Months the Persons apprehended may be discharged, if not conveyed

IV. And be it enacted, That where any Person who shall have been committed under this Act, to remain until delivered up pursuant to Requisition as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of Her Majesty's Dominions, within Two Calendar Months after such Committal, over and above the Time actually

out of Her Majesty's Dominions.

actually required for conveying the Prisoner from the Gaol to which he or she was committed by the readiest Way out of Her Majesty's Dominions, it shall in every such Case be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such supposed Offender shall be in Custody, upon Application made to him or them by or on behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application has been given to some or one of Her Majesty's Principal Secretaries of State in *Great Britain*, or in *Ireland* to the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, to order the Person so committed to be discharged out of Custody, unless sufficient Cause shall be shown to such Judge or Judges why such Discharge ought not to be ordered.

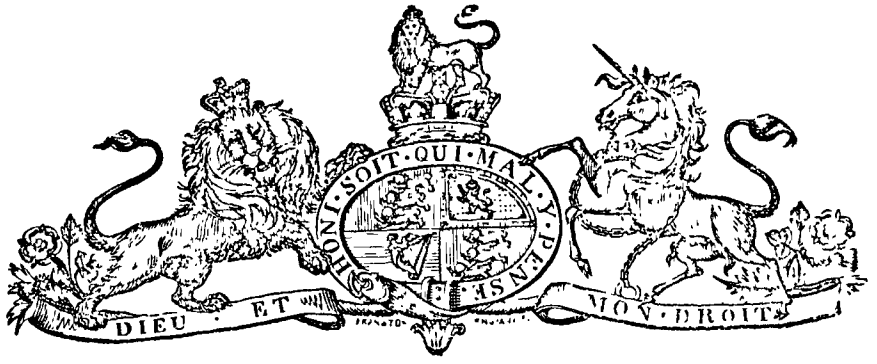
Limits of the Act.

V. And be it enacted, That if, by any Law or Ordinance to be hereafter made by the local Legislature of any British Colony or Possession abroad, Provision shall be made for carrying into complete Effect within such Colony or Possession the Objects of this present Act by the Substitution of some other Enactment in lieu thereof, then it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this present Act so long as such substituted Enactment shall continue in force there, and no longer.

Continuance of Act.

VI. And be it enacted, That this Act shall continue in force during the Continuance of the said Convention.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXVI.

An Act for giving effect to a Treaty between Her Majesty and the United States of *America* for the Apprehension of certain Offenders.

[22d *August* 1843.]

WHEREAS by the Tenth Article of a Treaty between Her Majesty and the United States of *America*, signed at *Washington* on the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, the Ratifications whereof were exchanged at *London* on the Thirteenth Day of *October* in the same Year, it was agreed that Her Majesty and the said United States should, upon mutual Requisitions by them or their Ministers, Officers, or Authorities respectively made, deliver up to Justice all Persons who, being charged with the Crime of Murder, or Assault with Intent to commit Murder, or Piracy, or Arson, or Robbery, or Forgery, or the Utterance of forged Paper, committed within the Jurisdiction of either of the High Contracting Parties, should seek an Asylum or should be found within the Territories of the other; provided that this should only be done upon such Evidence of Criminality as according to the Laws of the Place where the Fugitive or Person so charged should be found would justify his Apprehension and Commitment for Trial if the Crime or Offence had been there committed,

committed, and that the respective Judges and other Magistrates of the Two Governments should have Power, Jurisdiction, and Authority, upon Complaint made under Oath, to issue a Warrant for the Apprehension of the Fugitive or Person so charged, so that he might be brought before such Judges or other Magistrates respectively, to the end that the Evidence of Criminality might be heard and considered, and if on such Hearing the Evidence should be deemed sufficient to sustain the Charge it should be the Duty of the examining Judge or Magistrate to certify the same to the proper executive Authority, that a Warrant might issue for the Surrender of such Fugitive, and that the Expence of such Apprehension and Delivery should be borne and defrayed by the Party making the Requisition and receiving the Fugitive; and it is by the Eleventh Article of the said Treaty further agreed, that the Tenth Article, herein-before recited, should continue in force until one or other of the High Contracting Parties should signify its Wish to terminate it, and no longer: And whereas it is expedient that Provision should be made for carrying the said Agreement into effect; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Requisition shall at any Time be made by the Authority of the said United States, in pursuance of and according to the said Treaty, for the Delivery of any Person charged with the Crime of Murder, or Assault with Intent to commit Murder, or with the Crime of Piracy, or Arson, or Robbery, or Forgery, or the Utterance of forged Paper, committed within the Jurisdiction of the United States of *America*, who shall be found within the Territories of Her Majesty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to signify that such Requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions to govern themselves accordingly, and to aid in apprehending the Person so accused, and committing such Person to Gaol, for the Purpose of being delivered up to Justice, according to the Provisions of the said Treaty; and thereupon it shall be lawful for any Justice of the Peace, or other Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions in which such supposed Offender shall be found, to examine upon Oath any Person or Persons touching the Truth of such Charge, and upon such Evidence as according to the Laws of that Part of Her Majesty's Dominions would justify the Apprehension and Committal for Trial of the Person so accused if the Crime of which he or she shall be so accused had been there committed it shall be lawful for such Justice of the Peace, or other Person having Power to commit as aforesaid, to issue his Warrant for the Apprehension of such Person, and also to commit the Person so accused to Gaol, there to remain until delivered pursuant to such Requisition as aforesaid.

Certain Offenders to be apprehended on Requisition of the United States.

II. Pro-

Copies of the Depositions may be given in Evidence.

II. Provided always, and be it enacted, That in every such Case Copies of the Depositions upon which the original Warrant was granted, certified under the Hand of the Person or Persons issuing such Warrant and attested upon the Oath of the Party producing them to be true Copies of the original Depositions, may be received in Evidence of the Criminality of the Person so apprehended.

Offenders to be delivered up.

III. And be it enacted, That upon the Certificate of such Justice of the Peace, or other Person having Power to commit as aforesaid, that such supposed Offender has been so committed to Gaol, it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to order the Person so committed to be delivered to such Person or Persons as shall be authorized in the Name of the said United States to receive the Person so committed, and to convey such Person to the Territories of the said United States, to be tried for the Crime of which such Person shall be so accused, and such Person shall be delivered up accordingly, and it shall be lawful for the Person or Persons authorized as aforesaid to hold such Person in Custody, and take him or her to the Territories of the said United States, pursuant to the said Treaty; and if the Person so accused shall escape out of any Custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such Person, in the same Manner as any Person accused of any Crime against the Laws of that Part of Her Majesty's Dominions to which he or she shall so escape may be retaken upon an Escape.

After Two Months the Persons apprehended may be discharged, if not conveyed out of Her Majesty's Dominions.

IV. And be it enacted, That where any Person who shall have been committed under this Act, to remain until delivered up pursuant to Requisition as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of Her Majesty's Dominions within Two Calendar Months after such Committal, over and above the Time actually required to convey the Prisoner from the Gaol to which he or she was committed by the readiest Way out of Her Majesty's Dominions, it shall in every such Case be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such supposed Offender shall be in Custody, upon Application made to him or them by or on behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application has been given to some or One of Her Majesty's Principal Secretaries of State, or in *Ireland* to the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, to order the Person so committed to be discharged out of Custody, unless sufficient Cause shall be shown to such Judge or Judges why such Discharge ought not to be ordered.

Limits of the Act.

V. And be it enacted, That if by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession

Possession abroad Provision shall be made for carrying into complete Effect within such Colony or Possession the Objects of this present Act, by the Substitution of some other Enactment in lieu thereof, then it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this present Act, so long as such substituted Enactment shall continue in force there, and no longer.

Continuance of Act.

VI. And be it enacted, That this Act shall continue in force during the Continuance of the Tenth Article of the said Treaty.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXVII.

An Act for regulating the Cathedral Churches of *Wales*. [22d *August* 1843.]

WHEREAS an Act was passed in the Fourth Year of Her Majesty's Reign, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues;* and another Act was passed in the Fifth Year of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England: And whereas it is expedient to extend the Provisions of the said recited Acts to the Dioceses and Cathedral Churches of *Saint Asaph* and *Bangor*, and to alter and amend some of the said Provisions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions of the said recited Acts shall, subject to the further Enactments herein-after contained, extend and apply to the said Dioceses and Cathedral Churches of *Saint Asaph* and *Bangor*, and to the Bishops of the same Dioceses, and to all Ecclesiastical Rectories without Cure of Souls, and all Benefices with Cure of Souls, and all Parishes and Places, therein, and to the Dignities, Offices, Canonries, and Prebends of the same Churches, and the respective Holders thereof.

3 & 4 Vict. c. 113.

4 & 5 Vict. c. 39.

Recited Acts extended to St. Asaph and Bangor.

II. And be it enacted, notwithstanding any thing in the said recited Acts contained, That in each of the Chapters of the Cathedral Churches of *Saint Asaph*, *Bangor*, *Saint David's*, and *Llandaff* there shall be Four Canonries Residentiary, and on more; and such Canonries shall be in the direct Patronage of the Bishops of *Saint Asaph*, *Bangor*, *Saint David's*, and *Llandaff* respectively.

Four Canons Residentiary at St. Asaph, Bangor, St. David's, and Llandaff.

Two Canonries Residentiary to be annexed to Two Archdeaconries.

III. Provided always, and be it enacted, That, so soon as conveniently may be after the passing of this Act, Arrangements shall be made, by the Authority in the said recited Acts provided, for permanently annexing Two of such Four Canonries Residentiary, in such Cathedral Churches respectively, to Two Archdeaconries, in the respective Dioceses in which such Churches are situate.

Rights and Powers of Dean and Canons.

IV. And be it declared and enacted, That the Dean of each of the said Four Cathedral Churches shall be the Head of the Chapter thereof, and shall have Precedence over all other Members of such Chapter; and that such Dean and the Canons Residentiary respectively of each such Church shall possess and may exercise all the like Rights, Power, and Authority as are and may be possessed and exercised by the Dean and Canons respectively of any Cathedral Church in *England* founded by King *Henry* the Eighth.

3 & 4 Vict. c. 113. §§ 38. 40. in part repealed, and Provision made for the Cathedral Parishes.

V. And be it enacted, That so much of the said recited Acts as relates to the Cure of Souls in the Parish of *Saint David* in the Diocese of *Saint David's*, and in the Parishes of *Llandaff* and *Whitchurch* in the Diocese of *Llandaff*, shall be repealed; and that it shall be lawful, if it be deemed expedient, by the Authority herein-before mentioned, with the Consent of the Bishop of *Llandaff* for the Time being, to declare and provide that the Cure of Souls in and over the respective Parishes of *Llandaff* and *Whitchurch*, or either of them, shall be vested in One Spiritual Person as Perpetual Incumbent thereof, and that such Bishop and his Successors shall from Time to Time collate, or nominate and license, as the Case may be, a Spiritual Person to be such Incumbent, and also, with the like Consent and with the Consent of the Dean and Chapter, to endow such Parishes, or either of them, in such Manner and to such Amount as may appear expedient; and upon any such Declaration being made in the Case of the Parish of *Llandaff*, the respective Rights and Duties to be exercised and performed within and over the Cathedral Church by the Dean and Chapter, Dean, Canons, and Minor Canons thereof, and by such Incumbent as aforesaid, respectively, shall be defined by the like Authority, with the like Consents.

Incomes of Deans and Canons may be augmented out of the common Fund.

VI. And be it declared and enacted, That the average annual Incomes of the Deans and Canons Residentiary of the said Four Cathedral Churches shall be of the same Amounts respectively as are fixed as the average annual Incomes of the Deans and Canons respectively of the Cathedral Churches of *Saint David's* and *Llandaff* by the said first-recited Act, and that the Provisions of the said recited Acts, respecting the Augmentation of the Incomes of Deans and Canons, shall be construed to authorize the Augmentation of the Incomes of the respective Deans and Canons Residentiary aforesaid, out of the common Fund in the said first-recited Act mentioned.

Houses of Residence to be provided at St. Asaph, Bangor, and Llandaff.

VII. And be it enacted, That it shall be lawful, by the Authority herein-before mentioned, to provide, out of the same Fund, One fit House, at *Saint Asaph*, *Bangor*, and *Llandaff* respectively, as a House of Residence for the Use of the Canons Residentiary of the Cathedral Churches of the said Cities respectively, and also a fit House of Residence for the Dean of *Llandaff*.

Archdeaconries to be

VIII. And be it enacted, That from and after the passing of this Act the Dignity and Office of Archdeacon of *Saint Asaph* shall no

longer be holden by the Bishop of *Saint Asaph*, and the Dignities and Offices of Archdeacon of *Bangor* and Archdeacon of *Anglesea* shall be dissevered from the Bishoprick of *Bangor*, and be no longer holden by the Bishop of *Bangor*, and the Archdeaconry of *Anglesea* shall be incorporated with and form Part of the Archdeaconry of *Bangor*; provided that nothing herein contained shall affect any Lands, Tithes, Tenements, or other Hereditaments, or Endowments, now forming Part of the Property and Revenues of the respective Sees of *Saint Asaph* and *Bangor*.

Sees separated from Bishopricks.

IX. And be it enacted, That the Dignity and Office of Archdeacon of *Llandaff* may, by the Authority herein-before mentioned, be separated from the Deanery of *Llandaff*: Provided always, that such Separation shall not take place before the next Vacancy of the said Deanery without the Consent of the present Dean.

Archdeaconry may be separated from the Deanery of Llandaff.

X. And be it enacted, That within One Calendar Month after the passing of this Act the Treasurer of the Governors of the Bounty of Queen *Anne* shall deliver to the Ecclesiastical Commissioners for *England* a full and particular Account, of all Monies received and paid by him, under and by virtue of any Act of Parliament, on account of the said Dioceses and Cathedral Churches of *Saint Asaph* and *Bangor* respectively, and of all Things done by him, and of all Proceedings then pending in respect thereof; and that, within such Time after the Delivery of such Account as shall be specified in any Order made upon him for that Purpose by the said Commissioners, he shall pay and deliver, or cause to be paid and delivered, to the said Commissioners, or into such Bank as shall be named in such Order, to their Account, for the Purposes of this Act, all Monies then remaining in his Hands or to his Account, and all Exchequer Bills and other Securities for Money, and all Books of Accounts, Papers, and Writings, in his Possession or Power in respect thereof; and that it shall be lawful for the said Commissioners to allow to the said Treasurer in his Accounts such Sum of Money as shall appear to them to be just and reasonable, in compensation for his Pains and Trouble, and also all proper Costs, Charges, and Expences incurred in the Execution of the Trusts reposed in him by any such Act in relation to the Matters aforesaid; and that the Receipt in Writing of the said Commissioners under their Common Seal shall be an effectual Discharge to the said Treasurer for all Monies and other Things therein expressed to be received by them.

Treasurer of Queen Anne's Bounty to pay over Proceeds of suspended Canonries, &c.

XI. And be it enacted, That the Provisions of the first-recited Act, whereby the Interests of Persons in Possession at the Time of the passing thereof were in any Manner protected, shall be deemed to be repeated in this Act, so as to protect the Interests of all Persons in Possession at the Time of the passing hereof, in the like respects and to the same Extent as the Interests of such first-mentioned Persons are so protected as aforesaid.

Vested Interests protected.

XII. And be it enacted, That out of the Proceeds of any Lands, Tithes, Tenements, or other Hereditaments in the Principality of *Wales*, vested or to be vested in the Ecclesiastical Commissioners for *England* by or under the Provisions of the said recited Acts or this Act, it shall be lawful, by the Authority herein-before mentioned, to make Provision, in whole or in part, for the competent Maintenance

Appointment, &c. of Welsh Clergymen to officiate in London or Westminster.

Maintenance of any Spiritual Person or Persons (being a Native or Natives of the Principality aforesaid) who may be licensed by the Bishop of the Diocese for the Time being to officiate in any Church or Chapel within *London* or *Westminster* or the Suburbs thereof, duly consecrated for the Performance of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, in the *Welch* Language; and such Bishop is hereby authorized to license any such Spiritual Person or Persons accordingly.

Better Provision for St. David's College at Lampeter.

XIII. And be it enacted, That so much of the said first-recited Act as relates to the College of *Saint David's* at *Lampeter* shall be repealed; and that, so soon as conveniently may be, and by the Authority herein-before mentioned, Arrangements may be made for effecting the Sale, to any Person or Persons or Body Corporate capable of holding the same, of the Advowsons of the several Benefices with Cure of Souls now annexed to the said College, and for investing the Proceeds of such Sales respectively for the Use and Benefit of the said College; and that if, after the Sales of the Advowsons of all such Benefices, it shall be made to appear to the said Ecclesiastical Commissioners that the said College, when it shall be in the Enjoyment of the Use and Benefit of the whole Proceeds of all such Sales when so invested as aforesaid, will still not be competently endowed, it shall be lawful, by the like Authority, to transfer to the said College, in Augmentation of the Endowment thereof, any of the Lands, Tithes, Tenements, or other Hereditaments aforesaid, or of the Proceeds thereof.

Powers of former Acts extended to this Act.

XIV. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the said Commissioners by the first-recited Act, with reference to the Matters therein contained, and all other Provisions of the same Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and apply to Her Majesty in Council, and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively, with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

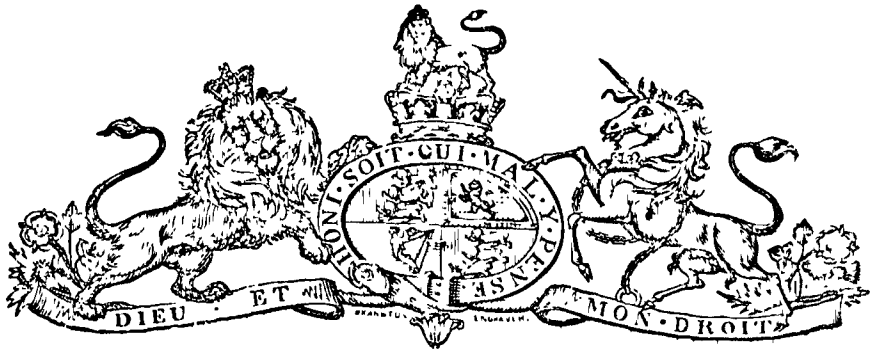
Repeal of 5 & 6 Vict. c. 112. in part.

XV. And be it enacted, That so much of an Act passed in the last Session of Parliament, intituled *An Act for suspending, until the First Day of* October *One thousand eight hundred and forty-three, Appointments to certain Ecclesiastical Preferments in the Dioceses of* Saint Asaph *and* Bangor, *and for securing certain Property to the said Sees*, as relates to the Continuance of certain temporary Acts therein recited, shall be repealed; provided that nothing herein contained shall prejudice or affect any thing done or any Proceeding pending under or by virtue of or relating to the Provisions of the said therein recited Acts or either of them.

Act may be repealed, &c. this Session.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.



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cease to be so payable, and that there shall be paid to every Chief Remembrancer for the Time being to be hereafter appointed the Salary of Two thousand Pounds *per Annum British* Currency, which Salary shall be issued and paid out of and be charged upon the Consolidated Fund of the United Kingdom in like Manner and subject in all respects to the like Provisions, Conditions, and Regulations as by the said recited Act made and provided in respect of the said annual Sum of Three thousand Pounds.

Salary of the Second Remembrancer to be reduced, on the Vacancy of that Office, to 1,000*l.*

II. And whereas it is expedient that on the Vacancy of the Office of Second Remembrancer of the said Court of Exchequer the Salary of the said Office shall be reduced; be it therefore enacted, That there shall be allowed to every Second Remembrancer of the said Court hereafter to be appointed a Salary not exceeding One thousand Pounds *per Annum*, which Salary shall be paid and payable in like Manner and subject in all respects to the like Provisions, Conditions, and Regulations as are made and provided in respect of the Salary now payable to such Officer by and under the Provisions of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and for the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in* Ireland; *and to amend the Laws relating to Grants in custodiam and Recovery of Debts in* Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the Public Accounts in* Great Britain.

5 & 6 W. 4. c. 55.

From Date of Appointment of any future Chief Remembrancer 500*l.* shall be paid annually into the Consolidated Fund, out of the Produce of Fines and Penalties in Ireland;

and from the Appointment of any future Second Remembrancer a like Sum out of the Counties Fee Fund Account.

III. And be it enacted, That, from and after the Date of the Letters Patent appointing any Chief Remembrancer of the said Court to be hereafter appointed, the surplus Monies arising to the Credit of the Receiver for the Constabulary Force in the Counties Fines and Penalties Account in the Bank of *Ireland*, or the Branches thereof, under the Provisions of any Act passed or to be passed in this present Session of Parliament, shall be charged with an annual Sum of Five hundred Pounds, which annual Sum shall be paid thereout, in priority and preference to any other Appropriation thereof, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time direct, and shall be paid into the Receipt of Her Majesty's Exchequer at *Dublin*, and carried to the Credit of the said Consolidated Fund, a separate Account being kept thereof; and that from and after the Date of the Letters Patent appointing any Second Remembrancer of the said Court to be hereafter appointed the Fee Fund established under the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for Public Monies, and to secure the same*, shall be charged with an annual Sum of Five hundred Pounds, which annual Sum shall be paid thereout, in priority and preference

to any other Appropriation thereof, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time direct, and shall be paid into the Receipt of Her Majesty's Exchequer at *Dublin*, and carried to the Credit of the said Consolidated Fund, a separate Account being kept thereof.

The Duty of auditing the Accounts of Treasurers of Counties in Ireland declared to be annexed to the Office of the Chief Remembrancer.

IV. And whereas under and by virtue of the herein-before recited Act of the First Year of the Reign of Her present Majesty the Lord Lieutenant or other Chief Governor or Governors of *Ireland* did, with the Consent of the then Chief Remembrancer of the Court of Exchequer in *Ireland*, annex the Duty of auditing and declaring the Accounts of the several Treasurers of Counties and Counties of Cities and Towns to the Office of such Chief Remembrancer: And whereas it is expedient that such Duty shall be declared to be permanently annexed to the said Office of Chief Remembrancer of the said Court; be it therefore and it is hereby declared and enacted, That the Audit and Declaration of the said Accounts do and shall form Part of the Duties of the said Office of Chief Remembrancer, to be by him performed in Person; subject nevertheless to such Regulation of the Offices of Chief and Second Remembrancer of the said Court, and to such Distribution of Duties between them, as may at any Time be made under the Provisions herein-after contained.

Distribution of the Business between the Chief and Second Remembrancer.

V. Provided always, and be it enacted, That it shall be lawful for the Lord Chief Baron of the said Court of Exchequer, and any Three or more of the Commissioners of Her Majesty's Treasury for the Time being, to regulate from Time to Time, as they may think proper, the Duties to be discharged by the Chief Remembrancer and Second Remembrancer of the Court of Exchequer in *Ireland* respectively, and to annex to either of such Offices the aforesaid Duty of auditing and declaring the said Accounts, or any other Duty by Law or Statute now annexed to the other of such Offices; and the future Powers and Duties of either Office so regulated shall be such as shall be assigned to it in and by such Regulations as the said Lord Chief Baron and any Three or more of the said Commissioners of Her Majesty's Treasury shall, by Order signed by them, make in that Behalf; and any Provisions or Enactments theretofore made touching such Office shall thenceforth cease and be repealed, save as to any Act or Acts theretofore done; and such Regulations shall take effect in lieu of such Provisions and Enactments.

The Superannuation Allowances of the Chief Remembrancer reduced.

VI. And whereas on the Reduction of the Salary of the Chief Remembrancer as herein-before enacted it is expedient to reduce also the Amount of the several Annuities which Her Majesty is now by Law enabled to grant to the Chief Remembrancer on his Retirement from Office; be it therefore enacted, That in lieu of the respective Sums which Her Majesty, Her Heirs and Successors, under the herein-before recited Act of the Fourth Year of the Reign of King *George* the Fourth, is empowered, after certain Periods of Service, to give and grant to any Person who may have executed the Office of Chief Remembrancer in *Ireland*, it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great

Great Seal of *Ireland*, to give and grant unto any Person who may or shall have executed the Office of Chief Remembrancer of the said Court, and who shall after his Appointment to any such Office have become afflicted with any permanent Infirmity disabling him from the due Execution of his Office, and be desirous of resigning the same, an Annuity or yearly Sum of Money not exceeding the Sum of Six hundred and fifty Pounds in case he shall have served in such Office Ten Years, and not exceeding One thousand Pounds in case he shall have served in such Office Twenty Years, and an Annuity not exceeding One thousand five hundred Pounds in case he shall have served in such Office for Thirty Years or more; in which Letters Patent the Cause or Ground for making thereof shall be distinctly stated and specified, and which respective Annuities so to be granted shall be charged upon and paid out of the said Consolidated Fund, in the Manner and subject to the Provisions made by the said recited Act of the Fourth Year of the Reign of His said Majesty King *George* the Fourth in respect of the several annual Sums grantable as aforesaid thereunder: Provided always, that if any such Chief Remembrancer shall have previously held the Office of Second Remembrancer of the said Court, it shall be lawful, in estimating the said several Periods of his Service as Chief Remembrancer, to reckon any Period during which he may have previously served in and executed the Duties of Second Remembrancer of the said Court: Provided also, that nothing herein contained shall prejudice or affect any Grant of Annuity made under the Provisions of the said recited Act before the passing of this Act.

Act may be amended.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Approval and Confirmation; and the High Contracting Parties engage to propose to the Legislatures of their respective Countries such Measures as may be necessary for the Purpose of carrying into effect the Regulations which may be thus approved and confirmed:" And whereas, pursuant to the said Convention, Commissioners duly appointed and authorized by Her Majesty and His Majesty the King of the *French* respectively have agreed upon certain Articles set forth in the Schedule annexed to this Act for the Guidance of the Fishermen of the Two Countries in the Seas lying between the Coasts of the United Kingdom of *Great Britain* and *Ireland* and those of the Kingdom of *France*, which Articles, in further Fulfilment of the said Convention, have been approved and confirmed on the Part of Her Majesty by One of Her Majesty's Principal Secretaries of State, and on the Part of His Majesty the King of the *French* by the Ambassador Extraordinary of His said Majesty to the Court of *London*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Confirmation of Articles.

and by the Authority of the same, That the said Articles shall be binding on all Persons, and shall have the Force of Law, as fully as if they were herein severally and specially enacted.

Amendment of 13 & 14 Car. 2. c. 28.

II. And whereas by the said Convention and Articles *French* Fishermen are forbidden to fish in the Seas between the *British* Islands and *France* within the Distance of Three Miles from Low-water Mark, as defined in the said Convention and Articles, but are not forbidden to fish anywhere beyond the said Distance of Three Miles: And whereas by an Act passed in the Reign of King *Charles* the Second, intituled *An Act for the Regulation of the Pilchard Fishery in the Counties of* Devon *and* Cornwall, the taking of Fish in the Manner therein mentioned is forbidden, unless it be at the Distance of One League and a Half at least from the Shores of *Devon* and *Cornwall* respectively; be it enacted, That after the passing of this Act the said Act of the Reign of King *Charles* the Second shall be construed as if instead of the Distance of One League and a Half the Distance specified in the said Convention and Articles had been therein inserted and specified as the Distance within which such taking of Fish as is therein mentioned is forbidden, that is to say, the Distance of Three geographical Miles (of which Sixty make a Degree of Latitude), which Distance shall be reckoned from Low-water Mark, except in Bays, the Mouths of which do not exceed Ten such geographical Miles in Width; and for such Bays shall be reckoned from a straight Line drawn from Low-water Mark off one Headland to Low-water Mark off the other Headland of such Bays respectively.

For enforcing Convention and Articles.

III. And be it enacted, That it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, if and when they shall think fit, to appoint so many Persons as they shall think necessary to ensure the due Execution of the said Convention and Articles, and it shall be lawful for every Person so authorized, at all reasonable Times, upon producing his Authority, if required, to board or enter upon and examine

every *British* Vessel, and to examine the Nets, Instruments, and Implements of Fishing thereunto belonging or used therewith; and if any of the said Nets, Instruments, or Implements of Fishing shall be found in contravention of the said Convention and Articles they shall be forfeited to Her Majesty, and the Person in whose Possession the same shall be found shall, on Conviction, be liable to a Penalty of not less than Eight Shillings or more than Three Pounds, or to be imprisoned, with or without hard Labour, for any Time not less than Two Days and not longer than Ten Days, or if convicted more than once of having such unlawful Nets, Instruments, or Implements in his Possession, shall be liable to a Penalty not more than Six Pounds, or to be imprisoned, with or without hard Labour, for any Time not longer than Twenty Days.

Board of Trade empowered to make Bye Laws for Protection of Fisheries

IV. And be it enacted, That it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, from Time to Time as may become necessary, to make and ordain such Rules and Bye Laws as to them shall seem expedient for the more effectual Performance of the said Convention and Articles, and from Time to Time to annul or alter the same, and substitute others instead thereof; and it shall be lawful for the Lords of the said Committee to impose any Penalty not exceeding Five Pounds in all Cases where any Penalty is not fixed by this Act or by the said Articles for any Breach of the said Rules and Bye Laws, and to direct that all Nets, Instruments, or Implements of Fishing whatsoever used contrary to any of such Rules and Bye Laws shall be forfeited, destroyed, or removed, as the Case may require; provided always, that all such Rules and Bye Laws shall be approved by Her Majesty, with the Advice of Her Privy Council, and all the said Rules and Bye Laws, when so approved and confirmed, and until annulled or altered by the like Authority, shall be binding on all Persons as if the same had been herein enacted.

Publication of Bye Laws.

V. And be it enacted, That the said Rules and Bye Laws, when approved as aforesaid, shall be printed, and a Copy of the same shall be deposited with the Clerk of the Peace for each County adjoining the Seas in which such Rules and Bye Laws are proposed to be enforced, and in the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and with all the Collectors of the Customs and Coast-guard Officers at the different Stations, and in such and so many Places as to the Lords of the said Committee shall seem fit; and printed Copies of the said Rules and Bye Laws shall be provided by the Lords of the said Committee, and sold at a Price not exceeding One Shilling for each Copy; and Notice, both of the Publication of the same, and the Place or Places where the same may be bought, shall be given for Three Calendar Months subsequent to the Publication thereof in such of the Metropolitan and Provincial Newspapers as the Lords of the said Committee shall appoint; and for the Purpose of convicting any Person offending against the said Rules and Bye Laws, a printed Copy of such Rules and Bye Laws obtained from the Office of any Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be taken as Evidence of such Rules and Bye Laws, and the due Publication thereof.

VI. And

Articles may be suspended in Ireland while there is no Mixed Fishery there. 5 & 6 Vict. c. 106.

VI. And whereas an Act was passed in the last Session of Parliament, intituled *An Act to regulate the* Irish *Fisheries*, and it is not expedient to interfere with the Provisions of the said Act further than is necessary for giving full Effect to the said Convention and Articles; be it enacted, That it shall be lawful for the Lords of the said Committee, by a Rule or Rules to be made by them from Time to Time, and approved of by Her Majesty with the Advice of Her Privy Council, to suspend the Operation of the said Articles and of this Act, or such Part of them as to them shall seem fit, with respect to the Fisheries on the Coast of *Ireland*, or on any Part thereof, so long as such Fisheries shall be carried on exclusively by the Subjects of Her Majesty, and also, with the like Approval, to make such Bye Laws as to them shall seem fit for enforcing the said Articles and this Act on the said Coast of *Ireland*, or on any Part thereof, as soon as the same shall be frequented for the Purpose of Fishery by *French* Fishermen.

Rules and Bye Laws to be laid before Parliament.

VII. And be it enacted, That all Rules and Bye Laws made by the Lords of the said Committee in pursuance of this Act shall be laid before Parliament within Six Weeks next after the Approval thereof by Her Majesty, if Parliament be then sitting, or if not, then within Six Weeks next after the next Meeting of Parliament.

Repeal of Part of 5 & 6 Vict. c. 106.

VIII. And be it enacted, That so much of the last-recited Act as provides that the Commissioners of Public Works in *Ireland* shall divide the Coast of *Ireland* into Districts, for the Purpose of keeping a Registry of all Vessels engaged in Fishing on the said Coast, shall be repealed; and that the several Collectorships of Customs on the Coast of *Ireland* shall be substituted for the Districts established under the Authority of the said Act; and that the Numbers, Marks, and Letters by which all *British* Vessels engaged in Fishing between the Coasts of the United Kingdom and *France* shall be distinguished shall be in conformity with the said Convention and Articles; and the Registry of all such Vessels shall be kept under the Superintendence of the Commissioners of Her Majesty's Customs, and in conformity with the said Convention and Articles.

Officers and Men of Her Majesty's Cruisers, and Officers and Men of Revenue and Coast-guard Service, empowered to enforce the Provisions of this Act.

IX. And be it enacted, That it shall be lawful for such Officers and Petty Officers belonging to Her Majesty's Navy or Revenue Service, and for such Officers and Men of the Coast-guard Stations as shall be thereunto authorized by the Commissioners of Her Majesty's Customs, and such Persons as shall be appointed as aforesaid by the Lords of the said Committee, subject to such Directions as the Lords of the said Committee shall from Time to Time think fit to prescribe, to go on board any *British* Vessel employed in Fishing, and examine the Certificate of Registry, and Nets, Instruments, and Implements of Fishing belonging to or used with such Vessel, and whether the Regulations of this Act have been complied with, and whether the Master or other Persons on board such Vessel are carrying on the said Fishery in the Manner hereby required, and to seize any Nets, Instruments, or Implements of Fishing which are illegal or used contrary to the Provisions of this Act, or any of the Rules or Bye Laws made by the

the Lords of the said Committee; and it shall be lawful for the Officers and Men employed in Her Majesty's Navy or Revenue Service, and in the Coast-guard Service, and such other Persons as shall be appointed for that Purpose by the Lords of the said Committee, to execute for the Purposes of this Act, on Sea or on Land, the Warrants of any Justice or Justices of the Peace as fully as any Person authorized to execute Warrants of any Justice of the Peace may now execute the same on Land within their respective Districts, and also to do all such other Acts on Sea or Land, in relation to the Preservation of the Peace among Persons engaged in Fishing, and the Enforcement of the Provisions of this Act, as any Constable may lawfully do within the Limits of his Jurisdiction.

Penalty for obstructing Persons on Duty.

X. And be it enacted, That every Person assaulting, resisting, or wilfully obstructing any other Person, duly authorized under the Provisions of this Act to enforce the Execution of the said Articles, in the Performance of his Duty, on Conviction before any Magistrate or Justice of the Peace by the Oath of any credible Witness, or upon his own Confession, shall be liable to a Penalty not more than Five Pounds, or may be imprisoned, with or without hard Labour, for any Time not longer than Twenty-one Days.

Who shall have cognizance of Offences by British Subjects.

XI. And be it enacted, That all Offences against the said Articles, or against any Rule or Bye Law made in pursuance of this Act, committed by any of Her Majesty's Subjects may be heard and determined upon the Oath of any credible Witness or Witnesses, or upon the Confession of the Party accused, by any Magistrate or Justice of the Peace having Jurisdiction in the County or Place in which or in the Waters adjacent to which the Offence shall be committed or to which the Offender shall be brought; and every such Magistrate or Justice of the Peace shall have Power to award the Penalties provided by the said Articles, or by any such Rule or Bye Law respectively, for the Offence of which the Offender shall be convicted; and whenever any pecuniary Penalty and Forfeiture shall be imposed on any such Offender, and shall not be forthwith paid, with the reasonable Costs and Charges attending the Conviction, the same shall be levied by Distress and Sale of the Goods of the Offender by Warrant under the Hand and Seal of such Magistrate or Justice of the Peace.

Who shall have cognizance of Offences by French Subjects within the British Fishery Limits.

XII. And be it enacted, That all Offences against the said Articles, or against any Rule or Bye Law made in pursuance of this Act, committed by any Subject of the King of the *French*, or any Person serving on board any *French* Fishing Boat or Vessel, within the Limits within which the general Right of Fishery is by the said Articles exclusively reserved to the Subjects of Her Majesty, may be heard and determined upon the Oath of any credible Witness or Witnesses, or upon the Confession of the Party accused, by any Magistrate or Justice of the Peace having Jurisdiction in the County or Place in which or in the Waters adjacent to which the Offence shall have been committed or to which the Offender shall be brought; and the Offender, upon Conviction, shall pay such Penalty not exceeding Ten Pounds as the Magistrate or Justice of the Peace shall award, or instead of awarding a pecuniary Penalty, and also in case of the

Nonpayment of any pecuniary Penalty awarded, it shall be lawful for the Magistrate or Justice of the Peace to order that the Vessel to which the Offender belongs shall be detained for any Period not xceeding Three Calendar Months.

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Proceedings in case of Offences by French Subjects beyond the British Fishery Limits.

XIII. And be it enacted, That whenever any Subject of the King of the *French*, or any Person serving on board any *French* Fishing Boat or Vessel, charged with any Transgression against the said Convention and Articles, shall be brought into any *British* Port, pursuant to the Sixty-fifth Article, in order that the Offence may be duly established, it shall be lawful for the Person by whom such supposed Offender shall be so brought, or for any Person acting under his Authority, to take such supposed Offender forthwith before a Magistrate or Justice of the Peace, and all Constables and Peace Officers and others shall be required, if necessary, to give their Assistance for that Purpose; and it shall be lawful for the Magistrate or Justice of the Peace before whom any such supposed Offender shall be brought to inquire by all lawful Ways and Means into the Case; and a Copy of the Depositions, Minutes of Proceedings, and all other Documents concerning the Transgression shall be authenticated under the Hand of the Collector of Customs, and shall be sent by him to the *British* Consular Agent residing in the Port to which the Offender's Boat or Vessel belongs.

Compensation for Damage.

XIV. And be it enacted, That in all Cases where the Breach of any of the said Articles, or of any such Rules or Bye Laws, by any of the Subjects of the King of the *French* within the Limits within which the general Right of Fishery is by the said Articles exclusively reserved to the Subjects of Her Majesty, or by any of Her Majesty's Subjects, whether or not within the said Limits, shall have caused any Loss or Damage to any other Party or Parties, it shall be lawful for any Magistrate or Justice of the Peace before whom the Offence shall be inquired into to take Evidence of such Loss or Damage, and to award Compensation to the injured Party, and to enforce Payment of such Compensation, in like Manner as the Payment of any pecuniary Penalty for any Offence against the said Articles may be enforced.

Salvage for Boats, &c. picked up at Sea.

XV. And be it enacted, That whenever any Fishing Boat, Rigging, Gear, or any other Appurtenance of any Fishing Boat, or any Net, Buoy, Float, or other Fishing Implement, shall have been found or picked up at Sea and brought into a *British* Port, and shall not be forthwith delivered to the Collector of Customs, pursuant to the Sixty-first Article, it shall be lawful for any Magistrate or Justice of the Peace, on Application of the said Collector, to issue his Warrant for delivering of the said Articles to such Collector, who shall take Possession of the same, and deliver the same to the Owner thereof or his Representative, on Payment to him, for behoof of the Salvors, of such Compensation as the said Collector shall award pursuant to the Sixty-second Article.

Conviction not to be quashed for Want of Form.

XVI. And be it enacted, That no Conviction under this Act shall be quashed, set aside, or adjudged void or insufficient for Want of Form only, or liable to be removed, by Certiorari or otherwise, into

Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record, but every such Conviction shall be final to all Intents and Purposes unless the same shall be reversed on Appeal as herein-after provided; provided always, that no Person shall be convicted of any Offence committed against the Provisions of this Act unless the Prosecution for the same shall be commenced within Three Calendar Months from the Time of the Commission of such Offence.

Appeal.

XVII. And be it enacted, That, in any Case of a summary Conviction before any Magistrate or Justice of the Peace, any Person who shall think himself aggrieved by the Conviction may appeal to the Court of General or Quarter Sessions of the Peace to be next holden for the County or Place wherein the Cause of Complaint shall have arisen, if such Court shall not be holden within Twenty-one Days next after such Conviction, otherwise to the next Court but One, provided that such Person at the Time of the Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Securities conditioned personally to appear at the said Session, to try such Appeal, and to abide the further Judgment of the Court at such Session, and to pay such Costs as shall be by the last-mentioned Court awarded; and it shall be lawful for the Magistrate or Justice of the Peace by whom such Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the Hearing of such Appeal, and that every such Witness, on producing a Certificate of his being so bound, under the Hand of the said Magistrate or Justice of the Peace, shall be allowed Compensation for his Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid, in the first instance, by the Treasurer of the County or Borough, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England; and in case the Appeal shall be dismissed, and the Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the Treasurer of the County or Borough by the Appellant.

7 G. 4. c. 64.

Meaning of "British Vessel," &c.

XVIII. And be it enacted, That in this Act the Words "*British* Vessel" shall be construed to mean every *British* or *Irish* Fishing Vessel or Fishing Boat, and also every Fishing Vessel or Fishing Boat belonging to any of the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, or *Man*, or any Island thereunto belonging, and the Words "*British* Port" shall be construed to mean any Port of *Great Britain* or *Ireland*, or of any of the said Islands.

Act may be amended this Session

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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SCHEDULE to which the foregoing Act refers.

REGULATIONS for the Guidance of the Fishermen of Great Britain and of France, in the Seas lying between the Coasts of the Two Countries; prepared in pursuance of the Provisions of the Eleventh Article of the Convention concluded at Paris on the 2d of August 1839 between Her Majesty and the King of the French.

DECLARATION.

The undersigned, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs on the one Part, and the Ambassador Extraordinary of His Majesty the King of the French at the Court of London on the other Part, having examined the annexed Regulations for the Guidance of the Fishermen of Great Britain and of France, in the Seas lying between the Coasts of the Two Countries, which Regulations have been prepared, in pursuance of the Provisions of the Eleventh Article of the Convention concluded at Paris on the 2d of August 1839 between Her Britannic Majesty and His Majesty the King of the French, by the Two Commissioners duly authorized to that Effect by their said Majesties, have, in the Name and on the Behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Majesty the King of the French, and by virtue of their respective full Powers, approved and confirmed, and do by these Presents approve and confirm, the said Regulations; reserving to their respective Governments, conformably to the Terms of the above-mentioned Article, to propose, if necessary, to the Legislatures of both Countries the Measures which may be required for carrying the said Regulations into execution.

In witness whereof the undersigned have signed the present Declaration, and have affixed thereto the Seals of their Arms.

Done at London, the Twenty-third Day of June in the Year of our Lord One thousand eight hundred and forty-three.

(L. S.) ABERDEEN.
(L. S.) STE. AULAIRE.

The undersigned, namely,—

On the Part of the United Kingdom of Great Britain and Ireland, Anthony Perrier, Esquire, Her Britannic Majesty's Consul for the Departments of Finistère, Morbihan, and Côtes du Nord in France;

And on the Part of the Kingdom of France, François Lange, Knight of the Royal Order of the Legion of Honour and Commissary of Marine of the First Class;

Duly appointed and authorized by their respective Governments to act as Commissioners for the Purpose of preparing a Set of Regulations for the Guidance of the Fishermen of the Two Countries, in the

the Seas lying between the Coasts of the United Kingdom and those of the Kingdom of France, in conformity with Article XI. of the Convention between Great Britain and France, signed at Paris on the 2d August 1839:

Have agreed upon the following Articles, which they submit to their respective Governments for Approval and Confirmation:—

ARTICLE I.—British and French Subjects fishing in the Seas lying between the Coasts of the United Kingdom of Great Britain and Ireland and those of the Kingdom of France shall conform to the following Regulations.

ARTICLE II.—The Limits within which the general Right of Fishery is exclusively reserved to the Subjects of the Two Kingdoms respectively are fixed (with the Exception of those in Granville Bay) at Three Miles Distance from Low-water Mark.

With respect to Bays, the Mouths of which do not exceed Ten Miles in Width, the Three Mile Distance is measured from a straight Line drawn from Headland to Headland.

ARTICLE III.—The Miles mentioned in the present Regulations are geographical Miles, of which Sixty make a Degree of Latitude.

ARTICLE IV.—The Fishery Limits of Granville Bay, established upon special Principles, are defined in the First Article of the Convention of the Second of August One thousand eight hundred and thirty-nine, as follow:

The Lines drawn between the Points designated by the Letters A., B., C., D., E., F., G., H,, I., K. on the Chart annexed to the Convention are acknowledged as defining the Limits between which and the French Shore the Oyster Fishery shall be reserved exclusively to French Subjects; and these Lines are as follow; that is to say:—

The First Line runs from the Point A., Three Miles from Low-water Mark (Point Meinga bearing South), to the Point B., of which the Land-marks are Agon Tower on with the Clump of Trees upon Mount Huchon, and the Summit of Gros Mont in a Line with the Signal Post on Grand Isle.

The Second Line runs from the said Point B., towards Agon Tower and the Clump of Trees upon Mount Huchon in the Direction North, Sixty-four Degrees East, until at the Point C. it brings the Windmill of Lingreville to bear due East.

The Third Line runs from Point C. due East towards Lingreville Windmill until the Grand Huguenant is brought to bear on the Etat Rock at Point D.

The Fourth Line runs from Point D. Northward, and keeping the Grand Huguenant in one with the Etat Rock, until it intersects at E. a Line whose Land-marks are Agon Tower on with Coustances Cathedral.

The Fifth Line runs Eastward from Point E. to Point F., where the Steeple of Pirou is brought to bear in a Line with the Senequet Rock.

The Sixth Line runs from Point F., due North, to Point G., where the Steeple of Blainville is brought in a Line with the Senequet Rock.

The Seventh Line runs from Point G. (in the Direction of Pirou Steeple) to Point H., where the Lighthouse on Cape Carteret bears North, Twenty-four Degrees West.

The Eighth Line runs from Point H. to Point I. nearly abreast of Port Bail; Point I. having for Land-marks the Fort of Port Bail in a Line with the Steeple of Port Bail.

And finally, the Ninth Line runs from Point I. to the Three Grunes at Point K., where Cape Carteret bears East, Ten Degrees North, in a Line with Barneville Church.

All the Bearings specified in the present Article are to be taken according to the true Meridian, and not according to the Magnetic Meridian.

ARTICLE V.—It is forbidden to British Fishermen to set their Nets or to fish in any Manner whatsoever within the French Limits; and it is equally forbidden to French Fishermen to set their Nets or to fish in any Manner whatsoever within the British Limits.

ARTICLE VI.—All British and French Fishing Boats shall be numbered.

There shall be a Series of Numbers for the Fishing Boats belonging to each Collectorship of Customs in the United Kingdom, and a Series of Numbers for the Fishing Boats belonging to each District of Maritime Registry in France; and to these Numbers shall be prefixed the initial Letters of the Names of the respective Collectorships or Districts.

ARTICLE VII.—Whereas there are in the United Kingdom several Collectorships of Customs, and in France several Districts of Maritime Registry, the Names of which begin with the same Letter, in which Case the initial Letter alone would not suffice; the distinguishing Letter or Letters for the Boats of each Collectorship or District shall be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

ARTICLE VIII.—The Letters and Numbers shall be placed on each Bow of the Boat, Three or Four Inches (Eight or Ten Centimètres French) below the Gunnel, and they shall be painted in White Oil Colour on a Black Ground.

For Boats of Fifteen Tons Burthen and upwards, the Dimensions of these Letters and Numbers shall be Eighteen Inches (Forty-five Centimètres French) in Height, and Two and a Half Inches (Six Centimètres French) in Breadth.

For Boats of less than Fifteen Tons Burthen, the Dimensions shall be Ten Inches (Twenty-five Centimètres French) in Height, and One and Three Quarter Inch (Four Centimètres French) in Breadth.

The same Letters and Numbers shall also be painted on each Side of the Main Sail of the Boat in Black Oil Colour on White Sails, and in White Oil Colour on Tanned or Black Sails.

These Letters and Numbers on the Sails shall be One Third larger in every Way than those placed on the Bows of the Boat.

ARTICLE IX.—In order that the Fishing Boats of Jersey, Guernsey, and other Islands of the same Cluster may be distinguished

from the Fishing Boats of the other British Islands, their Numbers shall precede the initial Letter of the Name of the Island to which such Boats may belong.

Each of these Islands shall have a separate Series of Numbers.

ARTICLE X.—All the Buoys, Barrels, and principal Floats of each Net, and all other Implements of Fishery, shall be marked with the same Letters and Numbers as those of the Boats to which they belong.

These Letters and Numbers shall be large enough to be easily distinguished. The Owners of Nets or other Fishing Implements may further distinguish them by any private Marks they judge proper.

ARTICLE XI.—The Letters and Numbers of British Fishing Boats shall be inserted on the Licences of those Boats, after having been entered in the Registry Book kept at the Collectorship of Customs.

The Letters and Numbers of French Fishing Boats shall be inserted on the Muster Rolls of those Boats, after being entered in the Registry Book kept at the Maritime Registry Office.

ARTICLE XII. — The Licences of British Fishing Boats and the Muster Rolls of French Fishing Boats shall contain the Description and Tonnage of each Boat, as well as the Names of its Owner and of its Master.

ARTICLE XIII. — The Fishermen of both Countries shall, when required, exhibit their Licences or Muster Rolls to the Commanders of the Fishing Cruisers, and to all other Persons of either Country, appointed to superintend the Fisheries.

ARTICLE XIV.—The Name of each Fishing Boat, and that of the Port to which she belongs, shall be painted in White Oil Colour on a Black Ground on the Stern of the said Boat, in Letters which shall be at least Three Inches (Eight Centimètres French) in Height, and Half an Inch (Twelve Millimètres French) in Breadth.

ARTICLE XV.—It is forbidden to efface, cover, or conceal, in any Manner whatsoever, the Letters, Numbers, and Names placed on the Boats and on their Sails.

ARTICLE XVI.—Trawl Fishing may be carried on during all Seasons in the Seas lying between the Fishery Limits which have been fixed for the Two Countries.

ARTICLE XVII.—Trawls shall be made with Nets, the Meshes of which shall be at least One Inch and Three Quarters (Forty-five Millimètres French) square, from Knot to Knot, along the Line.

ARTICLE XVIII.—The Length of the Wooden Yard or Beam to which the upper Part of the Mouth of each Trawl-net shall be fastened shall not exceed Thirty-eight Feet (Eleven Mètres Five Hundred Millimètres French).

ARTICLE XIX.—The under Part of the Trawl-net, to a Length of Ten Feet (Three Mètres French) from its Extremity, may be strengthened by Rubbing Pieces made of old Nets; but these Rubbing Pieces shall be so fastened that they shall not cross or narrow the Meshes of the Trawl-net, which must always

always remain at least One Inch and Three Quarters (Forty-five Millimètres French) from Knot to Knot, along the Line, open and unobstructed.

ARTICLE XX.—The Size of the Meshes of any supplementary Nets which may be added to Trawls shall be at least Two Inches (Fifty Millimètres French) square, from Knot to Knot, along the Line.

ARTICLE XXI.—Such supplementary Nets shall be so fitted as not to cross or narrow the Meshes of the Trawl-net, which must always remain at least One Inch and Three Quarters (Forty-five Millimètres French) from Knot to Knot, along the Line, open and unobstructed.

ARTICLE XXII.—The total Weight of the Two Irons or Head-pieces of a Trawl shall not exceed Two hundred and eighty-seven Pounds (One hundred and thirty Kilogrammes French).

ARTICLE XXIII. The total Weight of Iron Chains or Leads used for loading the Ground Rope of a Trawl shall not exceed One hundred and ten Pounds (Fifty Kilogrammes French).

ARTICLE XXIV.—Trawl Fishing is forbidden in all Places where there are Boats engaged in Herring or Mackerel Drift-net Fishing.

ARTICLE XXV.—Trawl Boats shall always keep at a Distance of at least Three Miles from all Boats fishing for Herrings or Mackerel with Drift-nets.

ARTICLE XXVI.—Whenever Herring or Mackerel Boats shall commence Drift-net Fishing in any Place whatever, the Trawl Boats which may be already fishing in such Place shall depart therefrom, and shall keep at a Distance of at least Three Miles from the said Drift-net Herring or Mackerel Boats.

ARTICLE XXVII.—Herring Fishing is free all the Year round.

ARTICLE XXVIII.—The Meshes of all Nets used for Herring Fishing shall not be less than One Inch (Twenty-five Millimètres French) square, from Knot to Knot, along the Line.

ARTICLE XXIX.—Whenever decked Herring Boats and undecked Herring Boats shall commence shooting their Nets at the same Time, the undecked Boats shall shoot their Nets to Windward of the decked Boats, except they should prefer going to Leeward, to a Distance of at least Half a Mile, to shoot their Nets.

ARTICLE XXX.—The decked Boats on their Part shall shoot their Nets to Leeward of the undecked Boats, unless they prefer going to Windward, to a Distance of at least Half a Mile, to shoot their Nets.

ARTICLE XXXI.—When decked Boats shall arrive on Grounds where fishing is already begun by other Boats, amongst which shall be undecked Boats, the decked Boats so arriving shall shoot their Nets to Leeward of the undecked Boats, except they should prefer going to Windward, to a Distance of at least Half a Mile, to shoot their Nets.

ARTICLE XXXII.—When undecked Boats shall arrive on Grounds where fishing is already begun by other Boats, amongst which shall be decked Boats, the undecked Boats so arriving shall shoot their Nets to Windward of the decked Boats, except they prefer

prefer going to Leeward, to a Distance of at least Half a Mile, to shoot their Nets.

ARTICLE XXXIII.—If, however, it should happen that the Spot where fishing is going on, and consequently where the Herrings are, should be so near to the Fishery Limits of One of the Two Countries that the Boats of the other Country would, by observing the above-mentioned Regulations, be prevented from taking Part in the Fishery, the said Boats of the other Country shall be at liberty to shoot their Nets at a less Distance than that prescribed in the preceding Articles for decked and undecked Boats; but such Fishermen as may take Advantage of this Permission shall be responsible for any Damage or Losses which their drifting may cause to the other Boats.

ARTICLE XXXIV.—Fishermen of the one Country shall not avail themselves of the Circumstances mentioned in the preceding Article, nor of any other Circumstances whatsoever, to shoot their Nets within the Fishery Limits of the other Country.

ARTICLE XXXV.—Whenever set Nets are employed for the Purpose of taking Herrings, the Boats engaged in this Fishery shall always remain over their Nets.

These Boats shall moreover be bound to observe the Prohibition contained in Article LVII. in favour of Drift-net Fishing.

ARTICLE XXXVI.—Mackerel Fishing is free all the Year round.

ARTICLE XXXVII.—The Meshes of all Nets used for Mackerel Fishing shall not be less than One Inch and One Sixth (Thirty Millimètres French) square, from Knot to Knot, along the Line.

ARTICLE XXXVIII.—It is forbidden to all Fishermen to load the lower Parts of Mackerel Drift-nets with Leads or Stones.

ARTICLE XXXIX.—Boats going to fish for Mackerel with Drift-nets are required, when they shall arrive on the Fishing Ground, to lower all Sails, to show that they have taken their Berths.

ARTICLE XL.—The Boats mentioned in the preceding Article shall keep Three Quarters of a Mile at least apart from one another when they shoot their Nets.

ARTICLE XLI. The Meshes of Nets known by the Name of Bratt Nets shall not be less than Four Inches and One Third (Eleven Centimètres French) square, from Knot to Knot, along the Line.

ARTICLE XLII.—The Meshes of the middle Nets of Trammels shall be at least Two Inches (Five Centimètres French) square, from Knot to Knot, along the Line.

The Meshes of both of the outer Nets of Trammels shall be at least Six Inches (Fifteen Centimètres French) square, from Knot to Knot, along the Line.

ARTICLE XLIII.—Fishermen using Bratt Nets, Trammels, and other set or anchored Nets shall place Buoys on such Nets, in order that Vessels sailing in those Places may avoid them.

ARTICLE XLIV.—Such Bratt Nets, Trammels, or other set or anchored Nets shall not, except in unavoidable Cases, remain more than Twenty-four Hours in the Sea without being taken up.

ARTICLE XLV.—Oyster Fishing shall open on the First of September, and shall close on the Thirtieth of April.

ARTICLE XLVI.—From the First of May to the Thirty-first of August no Boat shall have on board any Dredge or other Implement whatsoever for catching Oysters.

ARTICLE XLVII.—It is forbidden to dredge for Oysters between Sunset and Sunrise.

ARTICLE XLVIII.—The Fishermen shall cull the Oysters on the Fishing Ground, and shall immediately throw back into the Sea all Oysters less than Two and a Half Inches (Six Centimètres French) in the greatest Diameter of the Shell, and also all Sand, Gravel, and Fragments of Shells.

ARTICLE XLIX.—It is forbidden to throw into the Sea on Oyster Fishing Grounds the Ballast of Boats, or any other Thing whatsoever which might be detrimental to the Oyster Fishery.

ARTICLE L.—For the Purpose of distinguishing by Day Drift-net Fishing Boats from Trawl Boats, both shall carry at the Mast-head Vanes, which shall be at least Eight Inches (Twenty Centimètres French) in Height, and Two Feet (Sixty-one Centimètres) in Length.

The Colours of these Vanes shall be, for—

British Trawl Boats, Red.
French Trawl Boats, Blue.
British Drift Boats, White and Red.
French Drift Boats, White and Blue.

It is understood that the Vanes of Drift Boats shall be divided vertically into Two equal Parts, of which the White shall be nearest to the Mast.

ARTICLE LI.—It is forbidden to all other Fishing Boats to carry Vanes similar to those mentioned in the preceding Article.

ARTICLE LII.—It is forbidden to all Boats to anchor between Sunset and Sunrise on Grounds where Herring or Mackerel Drift-net Fishing is going on.

This Prohibition does not apply to Anchorages which may take place in consequence of Accidents or any other compulsory Circumstances, but in such Case the Master of the Boat thus obliged to anchor shall hoist, so that they shall be seen from a Distance, Two Lights placed horizontally about Three Feet (One Mètre French) apart, and shall keep these Lights up all the Time the Boat shall remain at anchor.

ARTICLE LIII.—In order that Boats fishing with Drift-nets may be easily recognized at Night, the Masters of these Boats shall hoist on one of their Masts Two Lights, one over the other, Three Feet (One Mètre French) apart.

These Lights shall be kept up during all the Time their Nets shall be in the Sea between Sunset and Sunrise.

ARTICLE LIV.—All Fishermen are forbidden, except in Cases of absolute Necessity, to show Lights under any other Circumstances than those mentioned in the present Regulations.

ARTICLE LV.—The Meshes of the various Nets before mentioned shall be of the prescribed Dimensions, measured when the Net is wet.

ARTICLE LVI.—It is forbidden to use Nets for any other Kind of Fishing than that for which each of those Nets may be lawfully employed, with respect to the Size of its Meshes, or of its Fittings.

ARTICLE LVII.—It is forbidden to set or anchor Nets, or any other Fishing Implement, in any Place where Herring or Mackerel Drift-net Fishing is going on.

ARTICLE LVIII.—No Boat shall be made fast or held on to the Nets, Buoys, Floats, or to any Part of the Fishing Tackle, belonging to another Boat.

ARTICLE LIX.—It is forbidden to all Persons to hook or lift up the Nets, Lines, or other Fishing Implements belonging to others, under any Pretence whatsoever.

ARTICLE LX.—When Nets of different Boats get foul of each other, the Masters of the said Boats shall not cut them, except by mutual Consent, unless it shall have been found impossible to clear them by other Means.

ARTICLE LXI.—All Fishing Boats, all Rigging, Gear, or other Appurtenances of Fishing Boats, all Nets, Buoys, Floats, or other Fishing Implements whatsoever, found or picked up at Sea, shall, as soon as possible, be delivered to the Collector of Customs, if the Article saved be taken into England, and to the Commissary of Marine, if the Article saved is taken into France.

ARTICLE LXII.—The Collector of Customs, or the Commissary of Marine, as the Case may be, shall restore the Articles saved to the Owners thereof, or to their Representatives.

These Functionaries may, when the Circumstances are such as to call for it, award to the Salvors a suitable Compensation for their Trouble and Care. This Compensation, which shall in no Case exceed One Fourth of the actual Value of the Articles saved, shall be paid by the Owners.

ARTICLE LXIII.—The Execution of the Regulations concerning the Fittings of Nets and the Size of their Meshes, the Weight and Dimensions of Fishing Instruments, and, in short, concerning every thing connected with the Implements of Fishing, is placed, with respect to the Fishermen of each of the Two Nations, under the exclusive Superintendence of the Cruisers and Agents of their own Nation.

Nevertheless, the Commanders of the Cruisers of each Nation shall mutually acquaint the Commanders of the other Nation with any Transgressions of the above-mentioned Regulations, committed by the Fishermen of the other Nation, which may come to their Knowledge.

ARTICLE LXIV.—Infractions of Regulations concerning the placing of Boats, the Distances to be observed, the Prohibition of certain Fisheries by Day or by Night, or during certain Periods of the Year, and concerning every other Operation connected with the Act of Fishing, and more particularly as to Circumstances likely to cause Damage, shall be taken cognizance of by the Cruizers of both Nations, whichever may be the Nation to which the Fishermen guilty of such Infractions may belong.

ARTICLE LXV.—The Commanders of Cruisers of both Countries shall exercise their Judgment as to the Causes of any Transgressions committed by British or French Fishing Boats in the Seas where the said Boats have the Right to fish

fish in common; and when the said Commanders shall be satisfied of the Fact of the Transgression, they shall detain the Boats having thus infringed the established Regulations, and may take them into the Port nearest to the Scene of the Occurrence, in order that the Offence may be duly established, as well by comparing the Declarations and counter Declarations of Parties interested, as by the Testimony of those who may have witnessed the Facts.

ARTICLE LXVI.—When the Offence shall not be such as to require exemplary Punishment, but shall, nevertheless, have caused Injury to any Fisherman, the Commanders of Cruisers shall be at liberty, should the Circumstances admit of it, to arbitrate at Sea between the Parties concerned, and on Refusal of the Offenders to defer to their Arbitration, the said Commanders shall take both them and their Boats into the nearest Port, to be dealt with as stated in the preceding Article.

ARTICLE LXVII.—Every Fishing Boat which shall have been taken into a Foreign Port, under either of the Two preceding Articles, shall be sent back to her own Country for Trial as soon as the Transgression for which she may have been detained shall have been duly established. Neither the Boat nor her Crew, shall, however, be detained in the Foreign Port more than Four Days.

ARTICLE LXVIII.—The Depositions, Minutes of Proceedings, and all other Documents concerning the Transgression, after being authenticated by the Collector of Customs, or by the Commissary of Marine, according to the Country into which the Boat may have been taken, shall be transmitted by that Functionary to the Consular Agent of his Nation residing in the Port where the Trial is to take place.

This Consular Agent shall communicate these Documents to the Collector of Customs, if in the United Kingdom, or to the Commissary of Marine, if in France; and if, after having conferred with that Functionary, it shall be necessary for the Interest of his Countrymen, he shall proceed with the Affair before the competent Tribunal or Magistrates.

ARTICLE LXIX.—All Transgressions of these Regulations established for the Protection of Fisheries in the Seas lying between the Coasts of the British Islands and those of France shall, in both Countries, be submitted to the exclusive Jurisdiction of the Tribunal or the Magistrates which shall be designated by Law.

This Tribunal, or these Magistrates, shall also settle all Differences, and decide all Contentions, whether arising between Fishermen of the same Country, or between Fishermen of the Two Countries, and which cannot have been settled by the Commanders of Cruisers, or by the Consular Agents and the Collectors of Customs, or Commissaries of Marine, according to the Country.

The above-mentioned Jurisdiction shall not, however, be understood to apply to Murder, Felony, or any other grave Crime; all such Crimes remaining subject to the ordinary Laws of each Country respectively.

ARTICLE LXX.—The Trial and Judgment of the Transgressions mentioned in the preceding Article shall always take place in a summary Manner, and at as little Expence as possible.

ARTICLE LXXI.—In both Countries the competent Tribunal or Magistrates shall be empowered to adjudge the following Penalties for Offences against the Regulations committed by Fishermen subject to their Jurisdiction:—

First. Forfeiture and Destruction of Nets or other Fishing Implements which are not conformable to the Regulations.

Secondly. Fines from Eight Shillings (Ten Francs) to Ten Pounds Sterling (Two hundred and fifty Francs), or Imprisonment for not less than Two Days, and not more than One Month.

ARTICLE LXXII.—The Use of Nets or other Fishing Implements of which the Fittings, Size of Meshes, Dimensions, or Weight shall not be conformable to the Regulations established for each Kind of Fishery shall subject the said Nets or Implements to Seizure and Destruction, and the Offenders to a Fine of not less than Eight Shillings (Ten Francs) nor more than Three Pounds Sterling (Seventy-five Francs), or to Imprisonment from Two to Ten Days.

In Cases of Repetition of the Offence, the Fine or Imprisonment may be doubled.

ARTICLE LXXIII.—All Persons shall be condemned to a Fine of from Eight Shillings to Five Pounds Sterling (Ten Francs to One hundred and twenty-five Francs), or to Imprisonment from Five to Fifteen Days, who either by Night or by Day, conjointly or separately, shall offend against the Measures established by the Regulations for the Preservation of Peace and good Order, and specifically against those concerning—

First. The Letters, Numbers, and Names to be placed on the Boats and their Sails, and on Nets, Buoys, &c.

Secondly. The Vanes to be carried by the Boats.

Thirdly. The Distances to be observed between the Boats.

Fourthly. The placing and anchoring of Boats.

Fifthly. The placing or shooting of Nets, and taking them up.

Sixthly. The clearing of Nets.

Seventhly. The placing of Buoys upon Nets.

Eighthly. Lastly, the Lights to be shown.

In Cases of Repetition of any of these Offences, the Fine or Imprisonment may be doubled.

ARTICLE LXXIV. In all Cases of Assault committed at Sea by Fishermen on other Fishermen, or whenever they shall have intentionally caused Damages or Loss, the competent Tribunal or Magistrates may condemn the Delinquents to a Term of Imprisonment not exceeding Twenty Days, or to a Fine not exceeding Five Pounds Sterling (One hundred and twenty-five Francs).

Should there have been at the same Time any Infringement of the Regulations, the Imprisonment or Fine above mentioned may be awarded over and above the Penalties to which the said Infringement shall have given rise.

ARTICLE LXXV.—The competent Tribunal or Magistrates shall, when the Circumstances are such as to call for it, award, over and above all Penalties inflicted for Offences against the Regulations, the Payment of Damages to the injured Parties, and shall determine the Amount of such Damages.

ARTICLE LXXVI.—The Conditions under which the Fishing Boats of either of the Two Countries shall be at liberty to come within the Fishery Limits of the other Country are laid down in the following Articles, which also specify and regulate the Penalties to be inflicted for Infraction of the said Articles.

ARTICLE LXXVII.—The competent Tribunal or Magistrates shall exclusively take cognizance (in the same Manner as stipulated in Article LXIX.) of the Infractions mentioned in Article LXXVI.

ARTICLE LXXVIII.—The putting into the Chausey Islands by British Oyster Fishing Boats is regulated by the Six following Articles.

ARTICLE LXXIX.—The putting into the Chausey Islands by British Fishing Boats, in consequence of Damage, evident bad Weather, or any other compulsory Circumstance, is a Right confirmed by Article VII. of the Convention of the Second of August One thousand eight hundred and thirty-nine.

ARTICLE LXXX.—The Expediency of putting in, under any of the Circumstances mentioned in the preceding Article, must naturally be determined by those Fishermen who may find it necessary to avail themselves of this Right.

Nevertheless, whenever the British Fishing Boats shall be able to communicate with the Commander of the British Station, they shall not put in until they are authorized so to do by the said Commander's hoisting the following Signal,—a Blue Ensign at the Mast-head.

ARTICLE LXXXI.—The Commander of the English Station may, when he shall consider this Measure necessary, authorize the weaker Boats, which are consequently the most exposed to the Effects of bad Weather, to put into the Chausey Islands whilst the other Boats shall continue to fish.

This Permission shall be made known by the following Signal,—a Red Ensign at the Mast-head.

ARTICLE LXXXII.—When the Commander of the English Station shall have authorized the Whole or Part of the British Boats to seek Shelter in the Chausey Islands, in consequence of the above-mentioned Causes, he shall give Notice thereof immediately afterwards to the French Cruisers by means of the following Signals; viz.—

For the Anchorage of all the Boats (provided for in Article LXXX.), a Blue Peter placed under the Blue Ensign at the Mast-head.

For the Anchorage of the weaker Boats (provided for in Article LXXXI.), a Blue Peter placed under the Red Ensign at the Mast-head.

ARTICLE LXXXIII.—Whenever the Appearance of the Weather, although it be not actually stormy at the Time, yet shall be so

so threatening that Boats could not gain Shelter of the British Channel Islands before it comes on, the British Commander, taking on himself the Responsibility of the Measure, may authorize the said Boats to anchor at Chausey, by hoisting a Blue Peter.

This Permission shall, at the same Time, be made known to the French Cruisers by means of a French Flag hoisted at the Mast-head over the said Blue Peter.

These Flags shall not be hauled down until the French Cruisers shall have understood the Signal, and answered it by hoisting, also at the Mast-head, an English Flag.

ARTICLE LXXXIV.—When British Fishing Boats put into Chausey they shall keep together in the same Part of the Anchorage.

Should any compulsory Circumstances prevent their doing so, the Commander of the English Station shall inform the French Station thereof by hoisting, in addition to the Flags flying to announce the putting in of the Boats, an Union Jack under the said Flags.

ARTICLE LXXXV.—The Fishing Boats of the one Country shall not approach nearer to any Part of the Coasts of the other Country than the Limit of Three Miles, specified in Article IX. of the Convention signed at Paris on the Second of August One thousand eight hundred and thirty-nine, except under the following Circumstances:—

First. When driven by Stress of Weather or by evident Damage to seek Shelter in the Harbours, or within the Fishery Limits of the other Country.

Secondly. When carried within the Limits established for the Fishery of the other Country, by contrary Winds, by strong Tides, or by any other Cause *independent of the* Will of the Master and Crew.

Thirdly. When obliged by contrary *Winds or Tide to* beat up in order to reach their *Fishing Ground; and when,* from the same Cause of contrary Wind or Tide, they could not, if they remained outside, be able to hold on their Course to their Fishing Ground.

Fourthly. When, during the Herring Fishing Season, the Herring Fishing Boats of the one Country shall find it expedient to anchor under Shelter of the Coasts of the other Country, in order to await a favourable Opportunity for proceeding to their lawful Fishery outside of the Limits defined by Article IX. of the Convention of the Second of August One thousand eight hundred and thirty-nine.

ARTICLE LXXXVI.—Whenever, in any of the Cases of Exception specified in the preceding Article, the Fishing Boats of either Nation shall have occasion to sail or anchor within the Limits defined by the Convention of the Second of August One thousand eight hundred and thirty-nine, the Masters of such Boats shall immediately hoist a Blue Flag, Two Feet high and Three Feet long, and shall keep this Flag flying at the Mast-head so long as they shall remain within the said Limits; consequently this Flag shall not be hauled down until the Boats are actually outside of those Limits.

These Boats, when within the aforesaid Limits, are not only prohibited from fishing themselves, but are also forbidden to send their small Boats to fish, even outside of the Limits in question. They must all (with the Exception of Herring Boats which may be waiting, as they have the Privilege of doing, for a favourable Opportunity to proceed to their lawful Fishery,) return outside the said Limits, so soon as the Causes shall have ceased which obliged them to come in under the Cases of Exception specified.

It is further agreed, conformably to the Tenor of the present Regulations, that the Fishing Boats of the one Country shall not use the Ports of the other Country for the greater Convenience of their Fishery Operations, either in proceeding from thence to their lawful Fishery in the Seas common to both, or in returning thereunto after Fishing; it being understood, however, that this Stipulation does not in any Manner impair the Right of putting into Port in the Cases of Exception specified in Article LXXXV.

ARTICLE LXXXVII.—It is forbidden to Herring Drift-net Fishing Boats to shoot their Nets earlier in the Day than Half an Hour before Sunset, except in Places where it is customary to carry on this Drift-net Fishing by Daylight.

ARTICLE LXXXVIII.—Herring Fishermen, being within the Fishery Limits of either Country, shall comply with the Laws and Regulations of the said Country respecting the Prohibition of fishing on the Sabbath Day.

ARTICLE LXXXIX.—The Commanders of the Cruisers of each of the Two Countries, and all Officers or other Agents whatsoever appointed to superintend the Fisheries, shall exercise their Judgment as to the Causes of any Transgressions committed by the Fishing Boats of the other Country, and when they shall be satisfied of the Fact of the Transgression, they shall detain or cause to be detained the Boats having thus transgressed the preceding Regulations (from Article LXXVI.), and shall take them or cause them to be taken into Port, where, upon clear Proof of the Transgression being brought by the detaining Party before the competent Tribunal or Magistrates, the said Boats so transgressing may be condemned to be kept for a Period not exceeding Three Months, or to a Fine not exceeding Ten Pounds Sterling (Two hundred and fifty Francs).

In testimony whereof the respective Commissioners have signed the present Regulations, and have thereto affixed their Seals.

Done in London, the Twenty-fourth Day of May in the Year of our Lord One thousand eight hundred and forty-three.

(L.S.) ANTHONY PERRIER.
(L.S.) F. LANGE.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXX.

An Act for the better Government of Her Majesty's Subjects resorting to *China*. [22d *August* 1843.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Trade to* China *and* India, whereby certain Powers were vested in Officers therein described as "Superintendents of the Trade of His Majesty's Subjects to and from the Dominions of the Emperor of *China*:" And whereas, for giving full Effect to the Purposes of the said Act, it is necessary that Provision be made for the Establishment from Time to Time of Regulations for the Government of Her Majesty's Subjects resorting to *China*, and it is expedient that such Regulations should originate with some local Authority cognizant of the actual Circumstances and Exigencies of such Her Majesty's Subjects, and of the Trade carried on by them in *China*: And whereas Her Majesty hath been pleased, by a Commission under the Great Seal of the United Kingdom, to establish a Legislative Council to make Laws for the Peace, Order, and good Government of Her Majesty's Subjects, being within Her Majesty's Island of *Hong Kong*, and to constitute and appoint as Governor of the said Island the Officer invested under the said recited Act with the Office of Chief Superintendent of the Trade of Her Majesty's Subjects to and from *China*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and

3 & 4 W. 4. c. 93.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by any Commission or Commissions under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual accompanying and referred to in any such Commission or Commissions, to authorize the Superintendent of the Trade of Her Majesty's Subjects in *China* (so long as such Superintendent shall be also the Governor of the said Island of *Hong Kong*) to enact, with the Advice of the Legislative Council of the said Island of *Hong Kong*, all such Laws and Ordinances as may from Time to Time be required for the Peace, Order, and good Government of Her Majesty's Subjects being within the Dominions of the Emperor of *China*, or being within any Ship or Vessel at a Distance of not more than One hundred Miles from the Coast of *China*, and to enforce the Execution of such Laws and Ordinances by such Penalties and Forfeitures as to him, by the Advice aforesaid, shall seem fit; and that it shall also be lawful for Her Majesty, by any such Commission or Commissions or Instructions as aforesaid, to impose upon the Exercise of the before-mentioned Legislative Authority all such Conditions and Limitations as Her Majesty shall see fit to prescribe; and that it shall also be lawful for Her Majesty to disallow, in the whole or in part, any Laws or Ordinances so to be enacted as aforesaid, and, with the Advice of Her Majesty's Privy Council, to alter the same or any of them as to Her Majesty in Council shall seem meet.

Her Majesty may authorize the Chief Superintendent of Trade to make Ordinances for Her Majesty's Subjects in China.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Commission or Warrant under Her Royal Sign Manual, to make such Provision as to Her Majesty may seem fit for the temporary Exercise of the Duties of the said Chief Superintendent in the event of a Vacancy occurring in that Office by Death, Resignation, or otherwise, and that the Provisions herein contained respecting the said Chief Superintendent shall be taken to apply to the Person or Persons for the Time being exercising the Duties of Chief Superintendent under such Commission or Warrant.

Provision for temporary Vacancy in the Office of Superintendent.

III. And be it enacted, That it shall also be lawful for Her Majesty, by any Order or Orders made with the Advice of Her Majesty's Privy Council, to ordain, for the Government of Her Majesty's Subjects being within the Dominions of the Emperor of *China*, or being within any Ship or Vessel at a Distance of not more than One hundred Miles from the Coast of *China*, any Law or Ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such Law or Ordinance could be made by Her Majesty in Council for the Government of Her Majesty's Subjects being within the said Island of *Hong Kong*.

Her Majesty may make Ordinances for Her Majesty's Subjects in China.

IV. And be it enacted, That all such Commissions and Instructions and Orders in Council as aforesaid, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enacting thereof respectively.

Commissions and Ordinances to be laid before Parliament.

V. And

Repeal of Part of 3 & 4 W. 4. c. 93.

V. And be it enacted, That when and so soon as any such Commission or Commissions as aforesaid shall have been received at the said Island of *Hong Kong* by the Superintendent and Governor aforesaid, or by the Officer for the Time being in the Administration of the said Superintendence and Government, so much of the said recited Act as relates to the Powers and Authorities to be exercised by the Superintendents therein mentioned over and in respect of the Trade and Commerce of Her Majesty's Subjects within any Part of the Dominions of the Emperor of *China*, or as relates to the making and issuing Directions and Regulations touching the said Trade and Commerce, and for the Government of Her Majesty's Subjects within the said Dominions, and as relates to the Imposition of Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, or as relates to the Creation of a Court of Justice for the Trial of Offences committed by Her Majesty's Subjects, as therein mentioned, shall be repealed: Provided nevertheless, that all things theretofore done in pursuance of the said recited Act shall be of the same Validity and Effect as if this Act had not been passed.

Limitation of Actions.

VI. And be it enacted, That every Suit or Action which shall be brought against any Person for any thing done in pursuance of this Act shall be commenced within Six Calendar Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of Her Majesty's Courts having Civil Jurisdiction, and then within Six Calendar Months after the Plaintiff and Defendant shall have been both within the Jurisdiction of any such Court; and every such Action or Suit shall be brought in the Place where the Cause of Action shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of Her Majesty's Courts having Civil Jurisdiction; and the Defendant shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff, or his Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for any Act done by him in the Execution of his Office.

Act may be amended.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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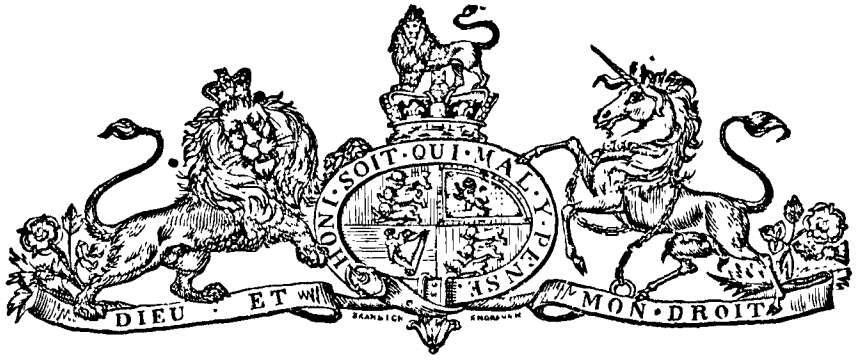

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to make better Provision for the Appointment of a Deputy for the Chairman of the Sessions of the Peace in the County of *Dublin*, and to provide for the taking of an Oath by the said Chairman or Deputy; and to amend an Act of the First Year of Her present Majesty, to amend the Law for the Recovery of Small Debts by Civil Bill in *Ireland*. [22d *August* 1843.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act to enable the Chief Governor of this Kingdom to appoint One of His Majesty's Counsel learned in the Law to be Chairman of the Session of the Peace in the County of* Dublin *during good Behaviour*, it was amongst other things enacted, that if the Chairman so appointed should be at any Time absent from such Session, any of His Majesty's Counsel learned in the Law, to be by such Chairman appointed, might act as such Chairman during his Pleasure: And whereas it is expedient to repeal the said recited Enactment, and to make Provision for the Appointment of a Deputy to the Chairman of the said Session, similar to that now by Law made for the Appointment of Deputies to the several Assistant Barristers in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present 38 G. 3. (I.)

So much of recited Act as empowers the Chairman to appoint a Deputy repealed.

present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the herein-before recited Act as empowers the said Chairman of the Session of the Peace in the County of *Dublin* to appoint a Deputy shall be repealed, without Prejudice, nevertheless, to any Appointment heretofore made, or the Validity thereof.

When it appears to Lord Chancellor, upon Oath, that the Chairman is unable to attend, he may appoint a Barrister of Six Years standing to do his Duty, who shall take the Oath herein-after required, and be invested with all the Powers of such Chairman during his Absence.

II. And be it enacted, That when it shall appear to the Lord High Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, upon Oath, that the present Chairman of the Session of the Peace in the County of *Dublin*, or any Chairman of the said Session to be hereafter appointed, is, by reason of Sickness or other necessary Cause of Absence, unable to attend at the Time appointed for any Session of the Peace in the said County, or at any Adjournment thereof, it shall and may be lawful to and for the said Lord High Chancellor, Keeper or Commissioners of the Great Seal for the Time being, to nominate or appoint some other Barrister, of Six Years standing at the least, to do and execute the Duty of such Chairman, as well in holding a Court for hearing and determining Causes in a summary Way by Civil Bill, as also all other Business, civil or criminal, which such Chairman is by any Act or Acts authorized and empowered to do at any Session of the Peace or Adjournment thereof, for such Time as such Illness or necessary Cause of Absence shall continue; and such Person so appointed shall, upon taking the Oath herein-after required to be taken by such Chairman, (*mutatis mutandis*,) either before such Chancellor, Keeper or Commissioners, or publicly in open Court at the Sessions of the Peace or Adjournment thereof, on the first Day on which he shall attend at any Session or Adjournment thereof to execute such Duty, have all and every the Powers and Authorities given to such Chairman by any Act or Acts now in force or which may be hereafter passed, and be authorized in every respect to do and execute during the Continuance of such Absence, and no longer, every Matter and Thing which such Chairman might himself lawfully do if personally present.

The Deputy to be paid such Compensation as the Lord Chancellor shall think fit out of Salary, &c. of Chairman.

III. And be it enacted, That such Person so appointed to do and execute such Duty of such Chairman during his Illness or other necessary Cause of Absence shall receive and be paid such Compensation for his Labour and Trouble therein as the Lord Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, shall think fit to direct and appoint, the same to be paid by such Chairman, or out of the Salary and Fees of such Chairman who shall be absent.

When the Illness of a Chairman happens suddenly, Two Justices may open and adjourn the Court until the Chancellor can appoint a Deputy.

IV. And whereas it may happen that such Illness of such Chairman may happen so suddenly as that there may not be sufficient Time to give Notice thereof to the Chancellor, Keeper or Commissioners of the Great Seal, and to have a Person appointed to do the Duty of the said Chairman in the said Court, by the Day at which such Court ought to sit; be it therefore enacted, That in case of such Illness of such Chairman it shall and may be lawful for any Two Justices of the Peace for the said County of *Dublin* to open and adjourn the said Court from Time to Time, and for such reasonable Time as shall be sufficient for such Chancellor, Keeper or Commissioners, to be informed

formed of such Illness by Affidavit sworn before some Justice of such County, or Oath before himself or themselves, and to appoint some Person to do the said Duty, and for such Person to repair to the Place where such Court shall be held, and to take upon himself the Execution of such Duty.

Chairman of Sessions to take an Oath before acting.

V. And be it enacted, That the present Chairman of the Session of the Peace in the County of *Dublin* shall, within Two Months after the passing of this Act, and every Person to be hereafter appointed to the Office of Chairman of the said Session shall, before he shall proceed to execute the Duties of the said Office, take the following Oath before the Lord High Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, which Oath the said Chancellor, Keeper and Commissioners, are hereby empowered to administer; (that is to say,)

Form of Oath.

'I *A.B.* do swear, That I will execute the Office of Chairman of the Session of the Peace in the County of *Dublin* diligently, justly, and impartially, and, without Favour, Affection, or Malice, do equal Right to all the Queen's Subjects that shall come within my Jurisdiction; and that I will in all things, to the best of my Skill and Power, execute the Duties imposed on me by an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the First, intituled *An Act for reviving and amending an Act, intituled 'An Act for the Recovery of Small Debts in a summary Way before the Judges of Assize,'* and by an Act passed in the said Parliament, in the Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act to enable the Chief Governor of this Kingdom to appoint One of His Majesty's Counsel, learned in the Law, to be Chairman of the Session of the Peace in the County of* Dublin *during good Behaviour*, or any other Act or Acts continuing or amending either of the said Acts.'

2 G. 1. c. 11.

38 G. 3. c. 65.

Nothing herein contained to repeal 2 & 3 W. 4. c. 88. s. 68.

VI. Provided always, and be it enacted, That nothing herein contained shall be construed to repeal or affect the Provision made by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, enabling the said Chairman of the Session of the Peace for the County of *Dublin* to discharge the Duties imposed upon him by that Act with regard to the Registry of Voters in and for the City of *Dublin* by Deputy as therein mentioned.

Provisions of 7 G. 4. c. 36. & 7 W. 4. & 1 Vict. c. 43. to extend to East Riding of County of Cork.

VII. And whereas by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to regulate the Service of the Process of the several Courts for the Recovery of Small Debts by Civil Bill in* Ireland, it was enacted, that at the several Sessions of the Peace in and for the several Counties in *Ireland*, which should be holden in the Month of *October* next after the passing of the said Act, each and every of the Assistant Barristers appointed under the Authority of the Act therein recited, or of any Act for amending the same, should, in manner therein enacted, nominate and appoint such Number of fit and proper Persons, being Householders residing in the principal Market Towns within the said Counties, to be Officers for the Service of Civil Bill Processes in the said

said County or Division thereof as should be specified and set forth in any such Warrant respectively: And whereas by an Act passed in the First Year of Her present Majesty, intituled *An Act to amend the Law for Recovery of Small Debts by Civil Bill in* Ireland, it was enacted, that at any Sessions of the Peace in and for the several Counties in *Ireland*, or any Riding thereof, which should be holden after the passing of the said Act, each and every of the Assistant Barristers appointed under the Acts for Recovery of Small Debts by Civil Bill in *Ireland*, or any of them, to be Assistants to the Justices at such Sessions, might and should, by Warrant or Warrants under the Hand and Seal of each such Assistant Barrister, respectively nominate and appoint such Number of fit and proper Persons, qualified as in the said Act of the Seventh Year of the Reign of His late Majesty is mentioned, as to the said Assistant Barrister should from Time to Time appear to be necessary, to be Officers for the Service of Civil Bill Processes within such County or within any Riding thereof, or within such Division of such County or Riding as should be specified in any such Warrant, and that such Officers should be in addition to the Officers already appointed and acting in such County, Riding, or Division under the said recited Act of the Seventh Year of the Reign of King *George* the Fourth: And whereas it has been doubted whether the said Acts refer to the East Riding of the County of *Cork* by reason of there not being any Sessions directed to be holden therein in the Month of *October*, and it is expedient that the Provisions of said recited Acts should be extended to said Riding; be it therefore enacted, That the said several Acts, and each and every the Provisions of same, shall extend and be deemed and construed to extend to the East Riding of the said County of *Cork*, and that at any Sessions of the Peace for said Riding which shall be holden after the passing of this Act the Assistant Barrister appointed for said Riding shall and may, in manner in said Acts mentioned, nominate and appoint such Number of fit and proper Persons, qualified as in said Acts mentioned, as to the Assistant Barrister shall from Time to Time appear to be necessary, to be Officers for the Service of Civil Bill Processes within such Riding, or within such Division of said Riding as shall be specified in any such Warrant; and such Officers shall have the same Powers, Privileges, and Emoluments, and observe the several Rules and Regulations prescribed by the said Acts, and shall be removeable in like Manner, and their Appointment made known in the Manner directed by said Acts; and that from and after the Appointment of any such Officers it shall not be lawful for any Person whomsoever, other than one of such Officers as shall be appointed and authorized under the Authority and according to the Directions of the said Act and of this Act, to serve any such Process; and that any Service or pretended Service of any Process by any Person or Persons not appointed and authorized as aforesaid shall be wholly null and void to all Intents and Purposes whatsoever; any Act or Acts of Parliament, or any Law, Usage, or Custom, to the contrary in anywise notwithstanding.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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Persons wilfully swearing falsely in any Affidavit, &c. in Scotland deemed guilty of Perjury, and liable to Punishment in same Manner as Persons swearing falsely in open Court.

II. And be it enacted, That all and every Persons and Person wilfully swearing or affirming or declaring falsely in any Affidavit or Affirmation or Declaration to be made in that Part of the United Kingdom called *Scotland*, before any Person or Persons who shall be empowered to take Affidavits or Affirmations or Declarations in *Scotland* under the Authority aforesaid, shall be deemed guilty of Perjury, and shall be liable to Prosecution and Punishment for Perjury in the same Manner and to the same Effect as if such Persons or Person had wilfully sworn falsely as a Witness or Witnesses in open Court in any judicial Proceeding in *Scotland*, or in any Court of competent Jurisdiction in that Part of the United Kingdom in which such Person shall be apprehended on such a Charge; and it shall be competent to bring such Prosecution, if brought in *Scotland*, either in the Court of Justiciary or in the Sheriff Court of the County within which the Offence shall have been committed.

Persons wilfully swearing falsely in any Affidavit or Affirmation in Ireland deemed guilty of Perjury, and liable to same Pains and Penalties as for swearing falsely in open Court.

False Declaration, a Misdemeanor.

III. And be it enacted, That all and every Persons and Person wilfully swearing or affirming falsely in any Affidavit or Affirmation to be made before any Person or Persons who shall be empowered to take Affidavits or Affirmations in *Ireland* under the Authority aforesaid shall be deemed guilty of Perjury, and shall incur and be liable to the same Pains and Penalties as if such Person or Persons had wilfully sworn or affirmed falsely in the open Court in which such Affidavit or Affirmation shall be intituled, or in the Court in which such Person or Persons shall be tried, and be liable to be prosecuted for such Perjury in any Court of competent Jurisdiction in *Ireland*, or in that Part of the United Kingdom in which such Person shall be apprehended on such a Charge; and if any Declaration which shall be made before any Person who shall be empowered to take Declarations in *Ireland* under the Authority aforesaid shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor, and shall be punishable accordingly.

What Fees may be taken.

IV. And be it enacted, That every such Person authorized to act under any such Commission as aforesaid shall be entitled to receive and take such and the same Fees, and none other, as Masters Extraordinary of the High Court of Chancery in *England* are now entitled to by virtue of the Orders of that Court, or of any Act or Acts of Parliament now in force.

For compelling the Attendance of Witnesses.

V. And whereas there are at present no Means of compelling the Attendance of Persons to be examined under any Commission for the Examination of Witnesses issued by the Courts of Law or Equity in *England* or *Ireland*, or by the Courts of Law in *Scotland*, to be executed in a Part of the Realm subject to different Laws from that in which such Commissions are issued, and great Inconvenience may arise by reason thereof; be it therefore enacted, That if any Person, after being served with a written Notice to attend any Commissioner or Commissioners appointed to execute any such Commission for the Examination of Witnesses as aforesaid (such Notice being signed by the Commissioner or Commissioners, and specifying the Time and Place of Attendance), shall refuse or fail to appear and be examined

under such Commission, such Refusal or Failure to appear shall be certified by such Commissioner or Commissioners, and it shall thereupon be competent, to or on behalf of any Party suing out such Commission, to apply to any of the Superior Courts of Law in that Part of the Kingdom within which such Commission is to be executed, or any one of the Judges of such Courts, for a Rule or Order to compel the Person or Persons so refusing or failing as aforesaid to appear before such Commissioner or Commissioners, and to be examined under such Commission, and it shall be lawful for the Court or Judge to whom such Application shall be made by Rule or Order to command the Attendance and Examination of any Person to be named or the Production of any Writings or Documents to be mentioned in such Rule or Order.

Punishment of Persons disobeying Rule or Order to appear or to produce Writings or Documents required.

VI. And be it enacted, That upon the Service of such Rule or Order upon the Person named therein, if he or she shall not appear before such Commissioner or Commissioners as aforesaid for Examination, or to produce the Writings or Documents mentioned in such Rule or Order, the Disobedience to such Rule or Order shall, if the same shall happen in *England* or in *Ireland*, render the Person disobeying subject and liable to such Pains and Penalties as he or she would be subject and liable to by reason of Disobedience to a Writ of Subpœna in *England* or in *Ireland*, and if such Disobedience shall happen in *Scotland* it shall be competent to the Lord Ordinary on the Bills, upon an Application made to him by or on behalf of any Party suing out such Commission, and upon Proof of such Disobedience made before him, to direct the Issue of Letters of Second Diligence, according to the Forms of the Law of *Scotland*, to be used against the Person disobeying such Rule or Order.

For Payment of Witnesses, &c.

VII. Provided always, and be it enacted, That every Person whose Attendance shall be so required shall be entitled to the like Conduct Money and Payment of Expences and for Loss of Time as for and upon Attendance at any Trial in a Court of Law; and that no Person shall be compelled to produce under such Rule or Order any Writing or other Document that he or she would not be compellable to produce at a Trial, nor to attend on more than Two consecutive Days, to be named in such Rule or Order.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXXIII.

An Act to amend the Law respecting the Duties of Coroners. [22d *August* 1843.]

WHEREAS the Coroners of Boroughs and Liberties are empowered and directed by Law to appoint Deputies to act in their Stead in certain Cases: And whereas the Coroners of Counties have no sufficient Authority of the Law for making such Appointments: And whereas it is expedient to prevent unnecessary Expence and Delay in the holding of Inquests in Counties: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for every Coroner of any County, City, Riding, Liberty, or Division, and he is hereby directed, by Writing under his Hand and Seal, to nominate and appoint from Time to Time a fit and proper Person, such Appointment being subject to the Approval of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other Acts performed by any such Deputy Coroner under and by virtue of any such Appointment shall be deemed and taken, to all Intents and Purposes whatsoever, to be the Acts and Deeds of the Coroner by whom such Appointment was made: Provided always, that a Duplicate of such Appointment shall be

Coroners of Counties, &c. may appoint Deputies, subject to the Approval of the Lord Chancellor.

Duplicate of Appointment to be transmitted to Clerk of the Peace.

Deputy to act only during Illness, &c.

be forthwith transmitted to the Clerk of the Peace for the County, City, Riding, Liberty, or Division in which such Coroner shall reside, to be filed among the Records of the said County, City, Riding, Liberty, or Division: Provided also, that no such Deputy shall act for any such Coroner as aforesaid except during the Illness of the said Coroner, or during his Absence from any lawful or reasonable Cause: Provided also, that every such Appointment may at any Time be cancelled and revoked by the Coroner by whom the same was made.

Inquisitions, &c. not to be quashed on account of technical Defects.

II. And whereas by an Act passed in the Seventh Year of the Reign of King *George* the Fourth certain Provisions were made for preventing the quashing of Indictments on technical Grounds: And whereas it is expedient to make Provisions for supporting Coroners Inquisitions, and for preventing the same from being quashed on account of technical Defects; be it therefore enacted, That from and after the passing of this Act no Inquisition found upon or by any Coroner's Inquest, nor any Judgment recorded upon or by virtue of any such Inquisition, shall be quashed, stayed, or reversed for Want of the Averment therein of any Matter unnecessary to be proved, nor for the Omission of the Words "with Force and Arms," or of the Words "against the Peace," or of the Words "against the Form of the Statute," nor for the Omission or Insertion of any other Words or Expressions of mere Form or Surplusage, nor for the Insertion of the Words "upon their Oath," instead of the Words "upon their Oaths," nor for omitting to state the Time at which the Offence was committed, when Time is not the Essence of the Offence, nor for stating the Time imperfectly, nor because any Person or Persons mentioned in any such Inquisition is or are designated by a Name of Office or other descriptive Appellation, instead of his, her, or their proper Name or Names, nor by reason of the Non-insertion of the Names of the Jurors in the Body of any such Inquisition, or of any Difference in the Spelling of the Names of any of the Jurors in the Body of any such Inquisition and the Names subscribed thereto, nor because any Juror or Jurors shall have set his or their Mark or Marks to any such Inquisition, instead of subscribing his or their Name or Names thereto, nor because any such Mark or Marks is or are unattested, provided the Name or Names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian Name or Names by means of an Initial or partial Signature only, and not at full Length, nor because of any Erasures or Interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor for Want of a proper Venue, where the Inquest shall appear or purport to have been taken by a Coroner of or for the County, Riding, City, Borough, Liberty, Division, or Place in which it shall appear or purport to have been taken, nor (except only in Cases of Murder or Manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon Parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the Body at one and the same Instant, provided they all viewed the Body at the first Sitting of the Inquest; and in all or any of such Cases of technical Defect as are herein-before mentioned

it shall be lawful for any Judge of either of Her Majesty's Courts at *Westminster*, or any Judge of Assize or Gaol Delivery, if he shall so think fit, upon the Occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

III. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*. Extent of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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made by the said Commissioners of Her Majesty's Customs, or any One or more of them, for ascertaining the Truth of Facts relative to the Customs, or the Conduct of Officers or Persons employed therein, any Person examined before the said Commissioners or Commissioner shall deliver his Testimony on Oath, to be administered by such Commissioners or Commissioner as shall examine him, and who are and is hereby authorized to administer such Oath; and if such Person shall be convicted of making a false Oath touching any of the Facts so testified on Oath, or of giving false Evidence on his Examination on Oath before such Commissioners or Commissioner, every such Person or Persons so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

Regulation.

Goods entered to be landed or examined by Bill of Sight; a Deposit to be made equal to the Duties. 3 & 4 W. 4. c. 52.

III. And whereas by one other of the said Acts, intituled *An Act for the Regulation of the Customs*, it is lawful for the Collector and Comptroller of the Customs, upon the Importation of Goods from Foreign Parts, for which a perfect Entry cannot be made, to receive an Entry by Bill of Sight, and also to receive a Deposit of a Sum of Money upon such Entry on account of the Duties which may be payable on the Goods intended to be landed by virtue of such Bill of Sight: And whereas it is expedient that a Deposit of a Sum of Money should be made in all Cases where Entries by Bill of Sight are granted; and that after the Examination of the Goods so entered an Endorsement should be made on the Bill of Sight, by the Importer or his Agent, of the full Particulars of such Goods; be it therefore enacted, That in all Cases where an Entry shall be made for the landing or examining of Goods by Bill of Sight the Importer or his Agent shall, before the same be granted, deposit with the proper Officer of the Customs a Sum of Money sufficient in Amount to cover the Duties payable on the Goods intended to be landed or examined by such Bill of Sight, and shall make and subscribe a Declaration that he has not any Reason to believe that the Duties on the Goods will amount to more than the Sum deposited.

When no Part of the Goods in a Packageshall be delivered without perfect Entry of the whole.

IV. And be it enacted, That if the Sum deposited on a Bill of Sight shall not be equal in Amount to the Duties payable upon all the Goods contained in any single Package landed or examined thereby, no Part shall be delivered until a perfect Entry or Entries is or are made for the whole of the Goods contained in such Package

Importer or Agent to endorse the Bill of Sight with Particulars of the Goods, and sign the same.

V. And be it enacted, That before any Goods in respect of which a Bill of Sight has been granted shall be delivered out of the Custody of the proper Officer of Customs, the Importer or his Agent shall endorse upon the Bill of Sight granted for landing or examining the same a particular Account thereof, to which he shall affix his Signature and Place of Abode, with the Date of making such Endorsement; and such Endorsement upon the Bill of Sight shall, upon being duly signed by the Collector and Comptroller, become the perfect Entry for such Goods: Provided always, that nothing herein contained shall alter or affect any other of the Regulations required by Law in respect of Bills of Entry.

VI. And

Regulation.

The general Denominations of certain Goods to be reported, and to be inserted in the Ship's Manifest.

VI. And whereas by one of the said Acts, intituled *An Act for the Regulation of the Customs*, no Goods can be imported into the United Kingdom, or into the *Isle of Man*, from Parts beyond the Seas in any *British* Ship, unless the Master shall have on board a Manifest of such Goods: And whereas the Master of every Ship arriving from Parts beyond the Seas at any Port in the United Kingdom or in the *Isle of Man* is required to make a due Report of the Cargo of such Ship: And whereas Frauds have been practised upon the Revenue of Customs in consequence of Masters of Vessels reporting Packages of Goods as "Contents unknown", and it is expedient to make Regulations for the Prevention of such Frauds; be it therefore enacted, That from and after the Tenth Day of *November* One thousand eight hundred and forty-three the Masters of all Vessels arriving from any Foreign Place in *Europe* at any of the Ports of the United Kingdom shall, in addition to the Particulars now required by Law to be inserted in the Reports of their respective Vessels, and also in the Manifest, where one is required, insert the general Denomination of the Contents of each and every Package containing the following Articles; *videlicet*, Cambrics or Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff; and all such Articles as shall be found on board any Vessel arriving as aforesaid, or in any Package landed therefrom, and not so manifested or reported, shall be forfeited.

Goods unshipped from importing Vessel, or landed contrary to Rules, &c. of Commissioners of Customs, forfeited, and Parties offending to pay 100*l.* or treble the Value.

VII. And whereas it is necessary to impose certain Restrictions upon Goods imported from Foreign Parts into the United Kingdom on the Unshipment and Removal of the same from the importing Vessel to the Quay, Wharf, or other Place approved and appointed for the Examination of such Goods; and in order that greater Security to the Revenue may be afforded than at present exists, be it therefore enacted, That no Goods imported into the United Kingdom from Foreign Parts shall be unshipped or carried from the importing Vessel to any Quay, Wharf, or other Place previously to the Examination thereof, except under such Rules, Regulations, and Restrictions as the Commissioners of Her Majesty's Customs may from Time to Time, with the Approbation of the Commissioners of Her Majesty's Treasury, direct and appoint; and all Goods unshipped or carried contrary to such Rules, Regulations, or Restrictions, or any of them, shall be forfeited, together with the Craft or other Means of Conveyance of any such Goods; and every Person knowingly concerned in the unshipping or carrying of such Goods, or to whose Hands and Possession the same shall knowingly come, contrary to such Rules, Regulations, and Restrictions, shall forfeit and pay a Sum of One hundred Pounds, or treble the Value of such Goods, at the Election of the said Commissioners.

Penal Sum in Bonds for Coals, and Drawback or Bounty; Goods not to exceed double the Amount of

VIII. And whereas the Exporters of Coals, or of Goods on which a Drawback or Bounty is allowed, and of warehoused Goods, are required, on the Exportation thereof, to give Security by Bond that such Goods shall be duly exported; and it is expedient to reduce the Amount of the penal Sum required in such Bonds; be it therefore enacted, That in no Case shall the Security by Bond required for the due Exportation of any Goods exceed double the Amount of the

Duty, Drawback, or Bounty.

the Duty, Drawback, or Bounty payable on such Goods; any thing in any Act or Acts to the contrary thereof notwithstanding.

So much of 5 & 6 Vict. c. 47. as requires Bond on Exportation of Wine, repealed.

IX. And whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, the Person entering Outwards any Goods from the United Kingdom to Parts beyond the Seas, upon which a Drawback of the Duties on the Importation thereof is allowed, is required to give Bond in double the Value of the Goods in manner therein mentioned: And whereas it is expedient to make certain Alterations in the said Act; be it therefore enacted, That from and after the passing of this Act no Bond shall be required for any Wine entered Outwards for the Purpose of obtaining a Drawback of the Duties paid or payable upon the Importation thereof.

Colonial Fishing Vessels may import the Blubber, Oil, &c. into the United Kingdom direct from the Fisheries.

X. And whereas it is expedient to permit Colonial Fishery Ships to come direct from the Fishery to the United Kingdom, and enter their Cargoes, in like Manner as Vessels clearing out from that Kingdom; be it therefore enacted, That any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins imported into the United Kingdom direct from the Fishery in Colonial Vessels, and which shall have cleared out for such Fishery from any of the *British* Possessions abroad, shall be admitted to Entry in the United Kingdom upon the Payment of the same Duty and in like Manner as such Articles are now admitted to Entry when imported from the Fishery in Vessels which shall have cleared out from thence.

Smuggling.

Persons in Her Majesty's Naval Service liable to Detention under Revenue Laws to be placed in Security on board Ships of War until a Justice's Warrant produced.

XI. And be it enacted, That where any Person or Persons, being Part of the Crew of any Ship or Vessel in Her Majesty's Employment or Service, and liable to Detention by an Officer or Officers of the Customs, shall have been detained under any Law or Laws relating to the Revenue of Customs, such Person or Persons, upon Notice thereof given by such Officer or Officers of Customs to the Captain or Commanding Officer of the Ship or Vessel, shall be placed in Security by such Captain or Commanding Officer on board such Ship or Vessel, until the Officer or Officers of Customs shall have obtained a Warrant from a Justice of the Peace for bringing the said Offender or Offenders before him, or any Two or more Justices of the Peace, to be dealt with according to Law; which said Warrant such Justice of the Peace is hereby authorized and required to grant upon Complaint made to him by such Officer or Officers of Customs, stating the Offence for which such Person or Persons is or are liable to Detention as aforesaid.

Foreigners discovered on board any Vessel containing smuggled Goods to be punished.

XII. And be it enacted, That every Person, not being a Subject of Her Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under any Act relating to the Customs, for being found or discovered to have been within any of the Ports, Harbours, Rivers, or Creeks in the United Kingdom, or in the *Isle of Man*, having on board, or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, shall be liable

Smuggling.

to be detained and proceeded against, and on Conviction punished, in such and the like Manner as under the Laws now in force Persons, being Subjects of Her Majesty, being so found and discovered as herein mentioned, may be detained, proceeded against, and punished: Provided always, that no Person whosoever shall be liable to be detained for any such Offence as is herein lastly before mentioned unless there shall be reasonable Ground to believe that such Person was the Owner of such Goods, or was concerned in bringing the same into such Ports and other Places as are herein-before mentioned, or in concealing the same.

Duties.

Duty on Garancine altered.

XIII. And whereas it is expedient that Garancine should be charged with a rated Duty upon Importation into the United Kingdom instead of the *ad valorem* Duty to which it is liable under the Acts now in force; be it therefore enacted, That instead of the Duties now chargeable upon Garancine imported into the United Kingdom under or by virtue of the said Act passed in the last Session of Parliament for amending the Laws relating to the Customs, and the Tables of Duties thereto annexed, there shall be raised, levied, collected, and paid unto Her Majesty, upon Garancine imported into the United Kingdom from Foreign Parts, the Sum of Five Shillings for every Hundred Weight thereof, and an additional Duty of Five *per Centum* on such Duty, in like Manner as if such Duties had been imposed in and by the said last-mentioned Act, and had been set forth in the Tables thereunto annexed.

All Manufactures of *Gibraltar, Malta, and Heligoland* to be deemed the Produce of a Foreign Country.

XIV. And whereas divers Manufactures of *Gibraltar*, *Malta*, and *Heligoland*, made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, have been or may hereafter be imported into the United Kingdom either Duty free, or upon Payment of Duties less than the Duties upon the Materials thereof, to the serious Prejudice of Her Majesty's Revenue; be it therefore enacted, That all Manufactures of *Gibraltar*, *Malta*, and *Heligoland*, made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed, in the United Kingdom, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

Foreign Treaties.

Her Majesty may by Order in Council give effect to Stipulations in Treaties with respect to Export Duties.

XV. And whereas divers Treaties have been entered into by Her Majesty with Foreign States, whereby it is stipulated that Goods exported in the Ships of such States from the United Kingdom shall be liable to no other or higher Duties than if exported in *British* Ships: And whereas in some of such Treaties such Stipulations have reference to Exportations only to the Foreign States with which such Treaties are respectively made, and others of such Treaties extend to Exportations to any Foreign Countries: And whereas it is expedient that Her Majesty should be empowered to give effect to the Stipulations of the said Treaties, and to any similar Stipulations in any Treaties which Her Majesty may hereafter enter into with the same or any other Foreign States; be it therefore enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order or Orders in Council, to declare which are the Foreign States with which Treaties

containing such Stipulations as aforesaid have been or shall have been entered into by Her Majesty, and shall still be subsisting, and also to define which are the Countries the Exportations to which from the United Kingdom in Ships of such Foreign States are included in the Stipulations of such Treaties respectively, and also to define the Classes of Goods which are included in such Stipulations; and from and after the Publication of such Orders respectively in the *London Gazette* the Goods which shall be exported from the United Kingdom in the Ships of the Foreign States declared in such Orders respectively shall, so far as respects Exportations to the Countries defined in such Orders respectively, and so far as respects the Classes of Goods defined in such Orders respectively, be charged with such and the same Duties only as would be chargeable upon the like Goods exported from the United Kingdom to the same Countries in a *British* Ship.

Warehouse.

Bonds for warehoused Goods to have only One Surety. 3 & 4 W. 4. c. 57.

XVI. And whereas by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the warehousing of Goods*, the Importer of any Goods entered to be warehoused in any Warehouse, in respect of which the Proprietor or Occupier has not given Security by Bond for Payment of the Duties of Importation on all such Goods as shall be warehoused therein, or for the due Exportation thereof, is required to give Security by Bond, with Two sufficient Sureties, for the Payment of the full Duties of Importation on the Goods so entered, or for the due Exportation thereof, and it is expedient to amend the same; be it therefore enacted, That from and after the passing of this Act no more than One Surety shall be required to any such Bond, and that the Penalty of all such Bonds shall be double the Amount of the Duty to which such Goods are liable.

Occupiers of Warehouse to produce, on Demand, Goods to Officer of Customs, or forfeit 5*l*.

XVII. And be it enacted, That the Occupier or Occupiers of any Warehouse in which Goods are, under the Provisions of the said last-mentioned Act, permitted to be deposited shall, upon Request being made by any Officer duly authorized by the Commissioners of Customs, immediately produce to such Officer any Goods deposited therein, or received into his or their Custody, for the Delivery of which the said Occupier or Occupiers has or have not received an Order duly signed by the proper Warehouse Officer; and upon every Failure thereof such Occupier or Occupiers shall forfeit the Sum of Five Pounds, over and above the Duties to which every Package or Parcel of Goods not so produced may be liable.

Possessions Abroad.

Foreign Beef and Pork may be shipped as Stores from the Warehouse without Entry or Payment of Duty, if

XVIII. And whereas it is deemed expedient, with a view of affording Relief to Ship Owners, to permit Foreign salted Beef and Pork warehoused at any *British* Possessions to be delivered from such Warehouses as Stores; be it therefore enacted, That Foreign salted Beef and Pork which shall have been warehoused in any *British* Possession may be delivered into the Charge of the Searchers to be shipped as Stores, and which shall and may be so shipped without Entry or Payment of any Duty, for every Ship of the Burthen of Sixty Tons at least, bound upon a Voyage to Foreign

Parts,

Parts, the probable Duration of which, Out and Home, will not be less than Forty Days: Provided always, that such Foreign Beef and Pork shall be duly borne upon the Ship's Clearance, and shall be shipped in such Quantities, and subject to such Directions and Regulations, as the Collector or other Chief Officer of Customs at the Port of Shipment shall direct and appoint: Provided also, that the surplus Stores of such Foreign Beef or Pork may be delivered into the Charge of the Searcher to be re-shipped as Stores, under such Rules and Regulations as such Collector or other Chief Officer of Customs may see fit to direct; and any such Beef or Pork shipped contrary to such Directions shall be forfeited.

borne upon Ship's Clearance.

Shipping and Navigation.

XIX. And whereas by an Act passed in the Session of Parliament held in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation*, it is enacted, that no Goods shall be imported into any *British* Possession in *Asia*, *Africa*, or *America*, in any Foreign Ships, unless they be Ships of the Country of which the Goods are the Produce and from which the Goods are imported: And whereas the Enforcement of the said recited Enactment in the Island of *Hong Kong*, now forming Part of Her Majesty's Dominions, would be attended with great Difficulty, and would materially check the Growth of the Trade therein; be it therefore enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods, the Growth, Produce, or Manufacture of any Foreign Country, may be imported into the said Island of *Hong Kong*, from the same or any other Foreign Country, in Vessels belonging to the same or any other Foreign Country, and however navigated, subject, nevertheless, to such Limitations and Restrictions as shall be contained in any such Order in Council; and from and after the Publication of any such Order in Council such Goods may lawfully be so imported into the said Island of *Hong Kong* according to the Provisions of such Order, and until the Revocation thereof, any thing in the said last-mentioned Act to the contrary in anywise notwithstanding; and any such Order in Council may from Time to Time be altered or revoked by Her Majesty by any subsequent Order in Council.

Her Majesty may by Order in Council declare that any Goods may be imported into Hong Kong in any Vessels. 3 & 4 W. 4. c. 54.

XX. And whereas by the said last-mentioned Act it is enacted, that Goods of any Sort or the Produce of any Place, not otherwise prohibited than by the Law of Navigation therein-before contained, may be imported into the United Kingdom from any Place in a *British* Ship, and from any Place not being a Part of the *British* Dominions in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof: And whereas it is expedient that Power should be given to Her Majesty in Council to permit Goods, not otherwise prohibited to be imported into the *British* Possessions abroad than under the said recited Act, to be imported into certain Ports of the *British* Possessions abroad for the Purpose of being warehoused for Exportation; be it therefore enacted, That it shall be lawful for Her Majesty, by an Order or Orders in

Her Majesty may by Order in Council appoint Ports in the British Possessions abroad wherein any Goods imported in any Vessels may be warehoused.

in Council, from Time to Time to declare that Goods of any Sort or the Produce of any Place, not otherwise prohibited than by the Law of Navigation in the said last-mentioned Act contained, may be imported into any Port or Ports of the *British* Possessions abroad, to be named in such Order, from any Place in a *British* Ship, and from any Place not being a Part of the *British* Dominions in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof; and from and after the Date of any such Order it shall be lawful so to import, for the Purpose of being warehoused for Exportation only, any such Goods into the Port or Ports named therein, according to the Provisions of the said Order, any thing in the said recited Act for the Encouragement of *British* Shipping and Navigation in anywise notwithstanding; and any such Order in Council may from Time to Time be altered or revoked by Her Majesty by any subsequent Order in Council.

Flour.

Flour substituted in Warehouse under Act 5 & 6 Vict. c. 92. not to be taken out for Home Consumption for Four Weeks afterwards.

XXI. And whereas by an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to permit, until the Thirty-first Day of* August *One thousand eight hundred and forty-five, Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse*, Power is given to Persons to deposit in any Warehouse in which Foreign Flour may be warehoused according to Law any Quantity of fine Wheat Flour, and thereupon to enter, Duty-free, from any Vessel, or to receive from the Warehouse, Duty-free, as therein is mentioned, such Quantity of Wheat as, according to the Scale in the said Act now in recital set forth, shall be equivalent to the Quantity of Flour so deposited; and by the said Act now in recital it is enacted, that all Flour which under the Provisions thereof shall have been deposited in Warehouse as aforesaid shall be subject in all respects to the same Rules, Regulations, Penalties, Restrictions, and Forfeitures as warehoused Goods shall for the Time being be subject to under the Laws in force, save and except that such Flour, upon Entry thereof from the Warehouse for Home Consumption, shall be liable to such and the same Duties as the same would be liable to if it were the Manufacture of and imported from Foreign Countries: And whereas it is expedient to make such Restriction as herein-after is contained respecting taking out from the Warehouse Flour deposited under the Provisions of the said last-mentioned Act; be it therefore enacted, That no Flour which shall after the passing of this Act be deposited in Warehouse under the Provisions of the said last-recited Act shall be entered from the Warehouse for Home Consumption until Four Weeks after the Day upon which it shall have been so deposited.

Admeasurement of Shipping.

5 & 6 W. 4. c. 56. s. 2. repealed.

XXII. And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom*, it is enacted, that the Tonnage of every Ship or Vessel required by Law to be registered shall, previous to her being registered, be measured

Admeasurement of Shipping.

measured and ascertained while her Hold is clear, and according to the Rule therein expressed; and by the same Rule it is required, that if the Vessel have a Poop or Half Deck, or a Break in the Upper Deck, to measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulk-head, multiply these Three Measurements together, and, dividing the Product by 92.4, the Quotient will be the Number of Tons to be added to the Result as above found: And whereas it is also enacted by the said Act now in recital, that for the Purpose of ascertaining the Tonnages of all such Ships, whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their Cargoes are on board, the following Rule shall be observed and is hereby established; (that is to say,) measure, first, the Length on the Upper Deck, between the after Part of the Stem and the fore Part of the Stern-post; secondly, the inside Breadth on the under Side of the Upper Deck, at the middle Point of the Length; and, thirdly, the Depth from the Upper Deck down the Pump Well to the Skin; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnage of such Ships: And whereas under the said last-mentioned Rule the Measurement of the Poop was erroneously omitted; be it therefore enacted, That the said last-mentioned Enactment, and the Rule thereby established for ascertaining the Tonnage of Ships measured whilst their Cargoes are on board, shall be and the same is hereby repealed; and that, for the Purpose of ascertaining the Tonnage of all such Ships, whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their Cargoes are on board, the following Rule shall be observed and is hereby established both in the United Kingdom and in Her Majesty's Possessions abroad; (that is to say,) measure, first, the Length on the Upper Deck, between the after Part of the Stem and the fore Part of the Stern-post; secondly, the inside Breadth on the under Side of the Upper Deck, at the middle Point of the Length; and, thirdly, the Depth from the under Side of the Upper Deck down the Pump Well to the Skin; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnages of such Ships; if the Vessel have a Poop or Half Deck, or a Break in the Upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulk-head, multiply these Three Measurements together, and dividing the Product by Ninety-two and Four Tenths, and the Quotient will be the Number of Tons to be added to the Result above found.

Rule for measuring Vessels while their Cargoes are on board.

Possessions Abroad.

XXIII. And whereas a Treaty has been concluded between Her Majesty and the United States of *America*, dated the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, whereby it is stipulated, that all the Produce of the Forest, in Logs, Lumber, Timber, Timber Boards, Staves, or Shingles, or of Agriculture, not being manufactured, grown on any of those Parts of the State of *Maine* watered by the River *Saint John* or by its Tributaries, of which Fact reasonable Evidence shall, if required, be produced, shall have free Access into and through the said River and its said Tributaries,

Produce of the Forest, and agricultural Produce of those Parts of the State of Maine watered by the River

Saint John and its Tributaries, to be treated, as respects Duties, Navigation and Customs Laws, as the Produce of New Brunswick.

Tributaries, having their Source within the State of *Maine*, to and from the Seaport at the Mouth of the River *Saint John*, and to and round the Falls of the said River, either by Boats, Rafts, or other Conveyance, that when within the Province of *New Brunswick* the said Produce shall be dealt with as if it were the Produce of the said Province: And whereas it is the Intention of the High Contracting Parties to the said Treaty that the aforesaid Produce should be dealt with as if it were the Produce of the Province of *New Brunswick;* be it therefore enacted, That the Produce in the said recited Treaty, and herein-before described, shall, so far as regards all Laws relating to Duties, Navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick:* Provided nevertheless, that in all Cases in which Declarations and Certificates of Production or Origin and Certificates of Clearance would be required in respect of such Produce, if it were the Produce of *New Brunswick*, similar Declarations and Certificates shall be required in respect of such Produce, and shall state the same to be the Produce of those Parts of the State of *Maine* which are watered by the River *Saint John* or by its Tributaries.

Regulation.

So much of 3 & 4 W. 4. c. 52. as prohibits Exports of the Machinery in Schedule, repealed.

XXIV. And whereas by an Act passed in the Session of Parliament held in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the general Regulation of the Customs*, and by the Table therein contained, denominated "A Table of Prohibitions and Restrictions Outwards," the Tools, Utensils, Machinery, and Articles described in the said Table, and in the Schedule hereto annexed, were, amongst other things, absolutely prohibited to be exported from the United Kingdom: And whereas it is expedient that the said Prohibition of the Exportation of the said Tools, Utensils, Machinery, and Articles should be repealed; be it enacted, That so much of the said Act and Table as prohibits the Exportation from the United Kingdom of the Tools, Utensils, Machinery, and Articles described in the Schedule hereunto annexed shall be and the same is hereby repealed.

SCHEDULE.

Tools and Utensils; videlicet:

——————— Any Machine, Engine, Tool, Press, Paper, Utensil, or Instrument used in or proper for the preparing, working, pressing, or finishing of the Woollen, Cotton, Linen, or Silk Manufactures of this Kingdom, or any other Goods wherein Wool, Cotton, Linen, or Silk is used, or any Part of such Machines, Engines, Tools, Presses, Paper, Utensils, or Instruments, or any Model or Plan thereof, or any Part thereof, except Wool Cards or Stock Cards not worth above Four Shillings per Pair, and Spinners Cards not worth above One Shilling and Sixpence per Pair, used in the Woollen Manufactures.

——————— Blocks, Plates, Engines, Tools, or Utensils, commonly used in or proper for the preparing, working up, or finishing of the Calico, Cotton, Muslin, or Linen Printing Manufactures, or any Part of such Blocks, Plates, Engines, Tools, or Utensils.

——————— Rollers, either plain, grooved, or of any other Form or Denomination, of Cast Iron, Wrought Iron, or Steel, for the rolling of Iron or any Sort of Metals, and Frames, Beds, Pillars, Screws, Pinions, and each and every Implement, Tool, or Utensil thereunto belonging; Rollers, Slitters, Frames, Beds, Pillars, and Screws for Slitting Mills; Presses of all Sorts in Iron and Steel or other Metals, which are used with a Screw exceeding One Inch and a Half in Diameter, or any Parts of these several Articles, or any Model of the before-mentioned Utensils, or any Part thereof; all Sorts of Utensils, Engines, or Machines used in the casting or boring of Cannon, or any Sort of Artillery, or any Parts thereof, or any Models of Tools, Utensils, Engines, or Machines used in such casting or boring, or any Parts thereof; Hand Stamps, Dog-head Stamps, Pulley Stamps, Hammers and Anvils for Stamps; Presses of all Sorts, called Cutting-out Presses, Beds or Punches to be used therewith, either in Parts or Pieces, or fitted together; Scouring or Shading Engines; Presses for Horn Buttons; Dies for Horn Buttons; Rolled Metal, with Silver thereon; Parts of Buttons not fitted up into Buttons, or in an unfinished State; Engines for chasing; Stocks for casting Buckles, Buttons, and Rings; Die-sinking Tools of all Sorts; Engines for making Button Shanks; Laps of all Sorts; Tools for pinching of Glass; Engines for covering of Whips; Bars of Metal covered with Gold or Silver, and Burnishing Stones commonly called Blood Stones, either in the rough State or finished for Use; Wire Moulds for making Paper; Wheels of Metal, Stone, or Wood, for cutting, roughing, smoothing, polishing, or engraving Glass; Purcellas, Pincers,

Pincers, Shears, and Pipes used in blowing Glass; Potters Wheels and Lathes for plain, round, and engine turning; Tools used by Saddlers, Harness Makers, and Bridle Makers; videlicet, Candle-strainers, Side-strainers, Point-strainers, Creasing Irons, Screw-creasers, Wheel-irons, Seat-irons, Pricking-irons, Bolstering-irons, Clams, and Head Knives.

Frames for making Wearing Apparel.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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notwithstanding that such Person may or shall have an Interest in the Matter in question, or in the Event of the Trial of any Issue, Matter, Question, or Injury, or of the Suit, Action, or Proceeding in which he is offered as a Witness, and notwithstanding that such Person offered as a Witness may have been previously convicted of any Crime or Offence: Provided that this Act shall not render competent any Party to any Suit, Action, or Proceeding individually named in the Record, or any Lessor of the Plaintiff, or Tenant of Premises sought to be recovered in Ejectment, or the Landlord or other Person in whose Right any Defendant in Replevin may make Cognizance, or any Person in whose immediate and individual Behalf any Action may be brought or defended, either wholly or in part, or the Husband or Wife of such Persons respectively; provided also, that this Act shall not repeal any Provision in a certain Act passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty and in the First Year of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Laws with respect to Wills*: Provided that in Courts of Equity any Defendant to any Cause pending in any such Court may be examined as a Witness on the Behalf of the Plaintiff or of any Co-defendant in any such Cause, saving just Exceptions; and that any Interest which such Defendant so to be examined may have in the Matters or any of the Matters in question in the Cause shall not be deemed a just Exception to the Testimony of such Defendant, but shall only be considered as affecting or tending to affect the Credit of such Defendant as a Witness.

Proviso.

Not to repeal any Provision in 7 W. 4. & 1 Vict. c. 26.

In Courts of Equity Defendant may be examined on behalf of the Plaintiff or any Co-defendant, &c.

II. And be it enacted, That wherever in any legal Proceedings whatever legal Proceedings may be set out, it shall not be necessary to specify that any particular Persons who acted as Jurors had made Affirmation instead of Oath, but it may be stated that they served as Jurymen, in the same Manner as if no Act had passed for enabling Persons to serve as Jurymen without Oath.

In legal Proceedings not necessary to state that Jurors had made Affirmation.

III. And be it enacted, That nothing in this Act shall apply to or affect any Suit, Action, or Proceeding brought or commenced before the passing of this Act.

As to Suits commenced before passing this Act.

IV. And be it enacted, That nothing in this Act shall extend to *Scotland*.

Not to extend to Scotland.

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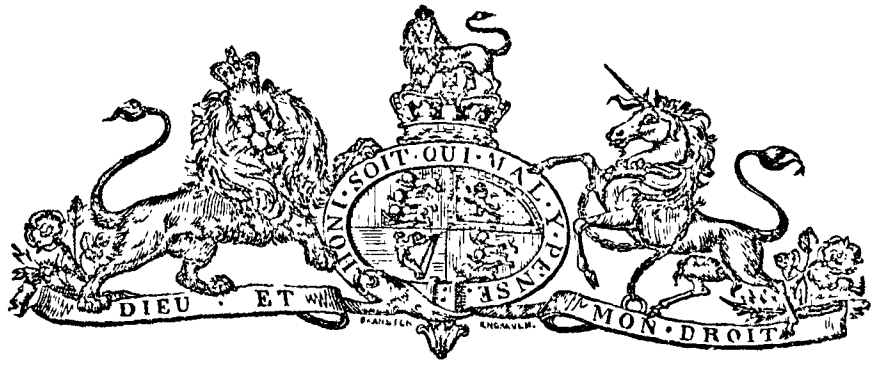

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Meaning, shall in this Act (except where the Nature of the Provisions or the Context of the Act shall exclude such Construction), be interpreted as follows; (that is to say,) the Words "Hackney Carriage" shall include every Carriage (except a Stage Carriage) which shall stand on Hire or ply for a Passenger for Hire at any Place within the Limits of the City of *London* and the Liberties thereof, and Metropolitan Police District; and the Words "Metropolitan Stage Carriage" shall include every Stage Carriage except such as shall on every Journey go to or come from some Town or Place beyond the Limits aforesaid; and the Word "Proprietor" shall include every Person who, either alone or in partnership with any other Person, shall keep any Hackney Carriage or any Metropolitan Stage Carriage, or who shall be concerned otherwise than as a Driver or Attendant in employing for Hire any Hackney Carriage or any Metropolitan Stage Carriage; and the Word "Conductor" shall include every Director or other Person, except the Driver, who shall attend upon the Passengers in any Metropolitan Stage Carriage; and the Word "Waterman" shall include every Person supplying Water to the Drivers of Hackney Carriages at the Standings or Places where Hackney Carriages usually stand or ply for Hire, and every Person assisting the Drivers at such Standings in managing or taking care of the Horses or Carriages, and every Attendant upon any Metropolitan Stage Carriage at Places where such Carriages usually stop or ply for Passengers; and the Word "Passenger" shall include every Person carried by any Hackney Carriage, or by any Metropolitan Stage Carriage, except One Driver, and, where there shall be a Conductor to such Metropolitan Stage Carriage, One Conductor; and the Word "Horse" shall include every Mare and Gelding; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as to one Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female as well as to a Male.

Certain Provisions of 1 & 2 W. 4. c. 22. extended to this Act.

III. And be it enacted, That so much of an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggons, Carts, and Drays used in the Metropolis; and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in* England *under the Commissioners of Stamps*, as relates to Hackney Carriages and to Watermen, and not hereby repealed, and except as to the Appointment of Watermen by the aforesaid Commissioners, shall extend and apply to Hackney Carriages and to Watermen within the Meaning of this Act: Provided always, that nothing in this Act contained shall render liable to the Duties imposed by the said Act of the Second Year of His late Majesty any Hackney Carriage which shall not be used for the Purpose of standing or plying for Hire at any Place within the Distance of Five Miles from the General Post Office in the City of *London*.

Proviso.

Title and Place of Abode of a Peer of the

IV. And whereas by the said recited Act passed in the Reign of His late Majesty it was enacted, that the Owner of every Waggon, Cart, Car, Dray, or other Carriage should, before any such Carriage should

be driven or used in any public Street or Road, within the Distance of Five Miles from the General Post Office in the City of *London*, paint or cause to be painted in Words at full Length, and in One or more straight Line or Lines, upon some conspicuous Place on the right or off Side of every such Carriage, clear of the Wheel or Wheels thereof, or upon the right or off-side Shaft thereof, the true Christian Name and Surname and Place of Abode of the Owner, or, if there be more than One, of the principal Owner of such Carriage, in the Manner in such Act directed; be it enacted, That in all Cases where the Owner of any such Carriage shall be a Peer of the Realm, or shall be known or usually designated by some Title of Rank, it shall be deemed to be a Compliance with the Provisions of the aforesaid Act that the Title only and Place of Abode of such Peer or other Person shall be painted in the Manner therein described upon any such Waggon, Wain, Cart, or other Carriage.

Realm painted on any Carriage, &c. to be deemed a Compliance with the Provisions of the Act.

V. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint a fit Person to be the Registrar of Metropolitan public Carriages, and also all such Officers as the said Secretary of State shall deem necessary for the Assistance of such Registrar in the due Execution of this Act; and in the Case of any authorized Absence from his Office, or temporary Inability of the said Registrar, it shall be lawful for the said Secretary of State to appoint such Person as he shall think fit to act as the Deputy of the said Registrar during such Absence or Inability of the Registrar to act, and such Person while he shall so act shall have the same Powers and Authority as the said Registrar; and the said Secretary of State may, at his Discretion, remove any such Registrar, Deputy Registrar, or any of the said Officers, and upon any Vacancy occasioned by such Removal or otherwise, appoint some other fit Person to be such Registrar, Deputy Registrar, or Officer: Provided always, that the Registrar and other Officers appointed under the Act hereby repealed shall continue to occupy the same Offices under this Act, without any Appointment, until discharged by due Course of Law.

Appointment of Registrar, Deputy Registrar, and other Officers.

VI. And be it enacted, That the Commissioners of Her Majesty's Treasury shall appoint such Salaries to be paid to the said Registrar, Deputy Registrar, and Officers, as they shall think proper; which Salaries, together with such other Expences in and about the Execution of this Act as the said Commissioners of the Treasury shall direct, shall be paid by the Commissioners of Stamps and Taxes out of any Monies to arise from any of the Duties under their Care and Management.

Salaries.

VII. And be it enacted, That the Proprietor of every Metropolitan Stage Carriage shall keep distinctly painted, both on the Outside and Inside of the same, in such a Manner and in such a Position as shall from Time to Time be directed by the Registrar, the Words "Metropolitan Stage Carriage," or such other Words as the Registrar shall direct, together with the Number of the Stamp Office Plate relating to such Carriage; and shall also, on the Inside of every such Carriage, keep distinctly painted in a conspicuous Manner a Table of Fares

Particulars to be painted on Metropolitan Stage Carriages.

Fares to be demanded of Passengers by such Carriage; and the Fares therein specified shall be deemed to be the only lawful Fares, and may be recovered by the Driver or Conductor as in the Case of Hackney Carriages, in a summary Way, before any Justice of the Peace; and every Proprietor making default in the Premises shall forfeit the Sum of Twenty Shillings for every Offence.

Registrar to grant Licences.

VIII. And be it enacted, That it shall be lawful for the Registrar to grant a Licence to act as Driver of Hackney Carriages, or as Driver or as Conductor of Metropolitan Stage Carriages, or as Waterman, (as the Case may be,) to any Person who shall produce such a Certificate as shall satisfy the said Registrar of his good Behaviour and Fitness for such Situation respectively: Provided always, that no Person shall be licensed as such Driver as aforesaid who is under Sixteen Years of Age; and in every such Licence shall be specified the Number of such Licence, and the proper Name and Surname, and Place of Abode, and Age, and a Description of the Person to whom such Licence shall be granted, and, in the Case of a Waterman, of the Standing or Place at which he shall be thereby authorized to act as a Waterman, and the Nature of his Duties; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force until and upon the First Day of *June* next after the Date thereof, or if granted in the Month of *May* in any Year, then to continue in force until and upon the First Day of *June* in the Year next following that in which the same shall be granted, except in either Case the same shall be sooner revoked, and except the Time (if any) during which any such Licence shall be suspended; and on every Licence of a Driver or Conductor the Registrar shall cause proper Columns to be prepared, in which every Proprietor employing the Driver or Conductor named in such Licence shall enter his own Name and Address, and the Days on which such Driver or Conductor shall enter and shall quit his Service respectively; and in case any of the Particulars entered or endorsed upon any Licence in pursuance of this Act shall be erased or defaced every such Licence shall be wholly void and of none effect; and the said Registrar shall, at the Time of granting any Licence, deliver to the Driver, Conductor, or Waterman to whom the same shall be granted, an Abstract of the Laws in force relating to such Driver, Conductor, or Waterman, and of the Penalties to which he is liable for any Misconduct, and also a Metal Ticket, upon which there shall be marked or engraved his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence.

At the Time of granting any Licence an Abstract of the Laws and a Ticket to be given.

A Stamp Duty of Five Shillings on every Licence granted under this Act.

IX. And be it enacted, That there shall be charged upon and in respect of every Licence to be granted under the Authority of this Act, except as herein-after provided, a Duty of Five Shillings, and that the same shall be under the Care and Management of the Commissioners of Stamps and Taxes, and shall be deemed to be a Stamp Duty, and shall be within the Provisions of all Acts for raising, levying, or securing the Stamp Duties, or any of them; and the said Commissioners, upon Application for that Purpose made by the said Registrar, shall issue to him Vellum, Parchment, or Paper for such Licences,

Licences, duly stamped, for denoting the Duties charged by this Act, either upon the present Payment of the Duties payable on such Licences, or upon giving such Security for the Payment thereof, and upon such Terms and subject to such Regulations as the said Commissioners shall think proper: Provided always, that in case any Person shall apply for a new Licence who shall have been previously licensed, and shall either not have returned his Metal Ticket on the Expiration of his former Licence, or, if such Licence be still in force, shall not have returned the Requisition for a new Licence on the Day appointed for that Purpose by the Registrar, or shall not apply for his new Licence on the Day in like Manner appointed for that Purpose, it shall be lawful for the Registrar to charge him any additional Sum for his Licence not exceeding Five Shillings.

Penalty on Persons acting as Drivers, &c. without Licences and Tickets, 5*l.*;

X. And be it enacted, That it shall not be lawful for any Person to act as Driver of any Hackney Carriage, or as Driver or Conductor of any Metropolitan Stage Carriage, whether such Person shall or shall not be the Proprietor of such Carriage, or for any Person to act as a Waterman, within the Limits of this Act, unless in each Case such Person shall have a Licence so to do, and a numbered Ticket granted to him under the Authority of this Act, and remaining in force; and every Person who shall act as such Driver or Conductor or Waterman without such Licence and Ticket, and every licensed Waterman acting at any other Standing or Place than those mentioned in his Licence, and also every Person to whom a Licence and Ticket shall have been granted, who shall, except in compliance with the Provisions of this Act, transfer or lend such Licence, or permit any other Person to use or wear such Ticket, shall for every such Offence forfeit the Sum of Five Pounds; and every Proprietor who shall knowingly suffer any Person not duly licensed under the Authority of this Act to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage, of which he shall be the Proprietor, shall for every such Offence forfeit the Sum of Ten Pounds: Provided always, that nothing herein-before contained shall subject to any Penalty any Proprietor who shall employ any unlicensed Person to act as such Driver or Conductor as aforesaid for any Time not exceeding Twenty-four Hours, or any unlicensed Person who shall be so employed for the said Time, upon Proof being adduced by the Proprietor, to the Satisfaction of the Justice of the Peace before whom such Proprietor, Driver, or Conductor shall be required to attend to answer for such Offences respectively, that such Employment was occasioned by unavoidable Necessity; and that every Proprietor who shall so employ such unlicensed Driver or Conductor, and every such unlicensed Driver or Conductor shall be subject to all the Powers, Provisions, and Proceedings of and under this Act or the said recited Act of His late Majesty for any Act done by such Driver or Conductor during such Employment, in like Manner as if such Driver or Conductor had been duly licensed.

on Proprietors suffering Drivers or Conductors so to do, 10*l.*

Watermen may be removed to other Standings.

XI. And be it enacted, That it shall be lawful for the Registrar, if he shall deem it expedient for the good Conduct of any Standing, to remove any Waterman from such Standing, and to appoint him to any

any other Standing, and to endorse such Removal upon his Licence; and any Waterman neglecting to produce his Licence for the Purpose of making such Endorsement upon it, when required so to do by the Registrar, shall forfeit Forty Shillings, and so from Time to Time until he shall produce the same.

Appointment of temporary Watermen.

XII. And be it enacted, That in case of the temporary Inability of any Waterman it shall be lawful for the Registrar to issue to any competent Person an unstamped Licence to act in the Place of such Waterman, for such a Period as the Registrar shall think fit, and to recall the same at his Discretion; and any such temporary Waterman who shall neglect to return his Licence and Ticket to the Registrar, when called upon so to do, shall forfeit the Sum of Five Pounds.

For obtaining Water at Hackney Stands.

XIII. And be it enacted, That it shall be lawful for the Registrar, if he shall think fit, on the Application of any Waterman who shall be willing to render himself liable to the Water Rates, to procure Water to be laid on in some convenient Situation, adjacent to any Standing of Hackney Carriages, or at Places where Metropolitan Stage Carriages usually stop or ply for Hire, and to pay the Expences of the Water-cock and other necessary Apparatus for laying on the Water; and the Water supplied at every such Water-cock shall be under the Control of the Registrar; and any Waterman, or Person who has been a Waterman, refusing or neglecting to deliver up the Key of any such Water-cock, when required so to do by the Registrar, shall forfeit Five Pounds, and so from Time to Time until he shall deliver up the same.

Persons applying for Licences to sign a Requisition for the same.

XIV. And be it enacted, That before any such Licence as aforesaid shall be granted a Requisition for the same, in such Form as the said Registrar shall from Time to Time appoint for that Purpose, and accompanied with such Certificate as herein-before is required, shall be made and signed by the Person by whom such Licence shall be required; and in every such Requisition all such Particulars as the Registrar shall require shall be truly set forth; and every Person applying for or attempting to procure any such Licence, who shall make or cause to be made any false Representation in regard to any of the said Particulars, or who shall endeavour to obtain a Licence by any forged Recommendations, or who shall not truly answer all Questions which shall be demanded of him in relation to such Application for a Licence, and also every Person to whom Reference shall be made who shall, in regard to such Application, wilfully and knowingly make any Misrepresentation, shall forfeit for every such Offence the Sum of Five Pounds; and it shall be lawful for the Registrar to proceed for recovering of such Penalty before any Magistrate at any Time within One Calendar Month after the Commission of the Offence, or during the Currency of the Licence so improperly obtained.

Notice to be given by Drivers, Conductors, and Water-

XV. And be it enacted, That as often as any Driver or Conductor or Waterman shall change his Place of Abode he shall give Notice thereof in Writing, signed by him, to the said Registrar, specifying in such Notice his new Place of Abode, and shall at the same

Time produce his Licence to the said Registrar, who shall endorse thereon a Memorandum specifying the Particulars of such Change; and every Driver, Conductor, or Waterman who shall change his Place of Abode, and shall neglect for Two Days to give Notice of such Change, and to produce his Licence in order that such Memorandum as aforesaid may be endorsed thereon, shall forfeit for every such Offence the Sum of Twenty Shillings; and it shall be lawful for the Registrar, or for any Person employed by him for that Purpose, to sue for such Penalty at any Time during the Currency of such Licence; and after the passing of this Act it shall not be necessary for the Proprietor of any Hackney Carriage to give to the Commissioners of Sewers, at the *Guildhall* in the City of *London*, the Account required by the said recited Act of the Second Year of the Reign of His late Majesty.

men of any Change of Abode.

XVI. And be it enacted, That the Particulars of every Licence which shall be granted as aforesaid shall be entered in Books to be kept for that Purpose at the Office of the said Registrar; and in all Courts, and before any Justice of the Peace, and upon all Occasions whatsoever, a Copy of any Entry made in any such Book, and certified by the Person having the Charge thereof to be a true Copy, shall be received as Evidence, and be deemed sufficient Proof of all Things therein registered, without requiring the Production of the said Book, or of any Licence, or of any Requisition or other Document upon which any such Entry may be founded; and every Person applying at all reasonable Times shall be furnished with a certified Copy of the Particulars respecting any licensed Person without Payment of any Fee.

Particulars of Licences to be entered in a Book at the Registrar's Office.

XVII. And be it enacted, That every licensed Driver, Conductor, and Waterman shall at all Times during his Employment, and when he shall be required to attend before any Justice of the Peace, wear his Ticket conspicuously upon his Breast, in such Manner that the whole of the Writing thereon shall be distinctly legible; and every Driver, Conductor, or Waterman who shall act as such, or who shall attend when required before any Justice of the Peace, without wearing such Ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such Ticket for Inspection, or to permit any Person to note the Writing thereon, shall for every such Offence forfeit the Sum of Forty Shillings.

Tickets to be worn by Drivers.

XVIII. And be it enacted, That upon the Expiration of any Licence granted under this Act the Person to whom such Licence shall have been granted shall deliver such Licence and the Ticket relating thereto to the said Registrar; and every such Person who, after the Expiration of such Licence, shall wilfully neglect for Three Days to deliver the same to the said Registrar, and also every Person who shall use or wear or detain any Ticket, without having a Licence in force relating to such Ticket, or who shall for the Purpose of Deception use or wear or have any Ticket resembling or intended to resemble any Ticket granted under the Authority of this Act, shall for every such Offence forfeit the Sum of Five Pounds; and it shall be lawful for the Registrar, or for any Person employed by

Licences and Tickets to be delivered up on the Discontinuance of Licences.

by him for that Purpose, to prosecute any Person so neglecting to deliver up his Licence or Ticket at any Period within Twelve Calendar Months after the Expiration of the Licence; and it shall be lawful for any Constable or Peace Officer, or any Person employed for that Purpose by the Registrar, to seize and take away any such Ticket, wheresoever the same may be found, in order to deliver the same to the said Registrar.

New Tickets to be delivered instead of defaced or lost Tickets.

XIX. And be it enacted, That whenever the Writing on any Ticket shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any Ticket shall be proved to the Satisfaction of the said Registrar to have been lost or mislaid, the Person to whom the Licence relating to any such Ticket shall have been granted shall deliver such Ticket (if he shall have the same in his Possession), and shall produce such Licence to the said Registrar, and such Person shall then be entitled to have a new Ticket delivered to him, upon Payment, for the Use of Her Majesty, of such Sum of Money, not exceeding Three Shillings, as the Registrar shall from Time to Time appoint: Provided always, that if any Ticket which shall have been proved, as aforesaid, or represented to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the said Registrar; and every Person into whose Possession any such Ticket, as last aforesaid, shall be or come, who shall refuse or neglect for Three Days to deliver the same to the said Registrar, and also every Person licensed under the Authority of this Act who shall use or wear the Ticket granted to him after the Writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such Offence forfeit the Sum of Forty Shillings.

Forgery of Licence or Ticket, or knowingly uttering a forged Licence or Ticket, a Misdemeanor.

XX. And be it enacted, That every Person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any Licence or Ticket by this Act directed to be provided for the Driver of a Hackney Carriage, or for the Driver or the Conductor of a Metropolitan Stage Carriage, or for any Waterman, and also every Person who shall sell or exchange, or expose to Sale, or utter, any such forged or counterfeited Licence or Ticket, and also every Person who shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have or be possessed of such forged or counterfeited Licence or Ticket, knowing such Licence or Ticket to be forged or counterfeited, and also every Person knowingly and wilfully aiding and abetting any Person in committing any such Offence as aforesaid, shall be guilty of a Misdemeanor, and, being thereof convicted, shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Licence or Ticket, or for any Constable or Peace Officer, or any Person employed for that Purpose by the said Registrar, to seize and take away any such Licence or Ticket, in order that the same may be produced in Evidence against such Offender, or be disposed of as the said Registrar shall think proper.

XXI. And

Proprietor to retain the Licence of Drivers or Conductors employed by him, and produce them in case of Complaint.

XXI. And be it enacted, That every Proprietor of a Hackney Carriage and of every Metropolitan Stage Carriage, who shall permit or employ any licensed Person to act as the Driver or Conductor thereof, shall require to be delivered to him, and shall retain in his Possession, the Licence of such Driver or Conductor while such Driver or Conductor shall remain in his Service; and in all Cases of Complaint where the Proprietor of a Hackney Carriage or of a Metropolitan Stage Carriage shall be summoned to produce the Driver or Conductor of such Carriage before a Justice of the Peace, he shall also produce the Licence of such Driver or Conductor, if at the Time of receiving the Summons such Driver or Conductor shall be in his Service; and if any Driver or Conductor complained of shall be adjudged guilty of the Offence alleged against him, the Justice of the Peace before whom he shall be convicted shall in every Case endorse upon the Licence of such Driver or Conductor the Nature of the Offence, and the Amount of the Penalty inflicted; and every Proprietor who shall neglect to require to be delivered to him, and to retain in his Possession, the Licence of any Driver or Conductor during such Period as such Driver or Conductor shall remain in his Service, or who shall refuse or neglect to produce such Licence as aforesaid, shall for every such Offence forfeit the Sum of Three Pounds.

Magistrates to hear and determine Disputes.

XXII. And be it enacted, That it shall be lawful for any Justice of the Peace to hear and determine all Matters of Complaint between any Proprietor of a Hackney Carriage or Metropolitan Stage Carriage and the Driver or Conductor of the same respectively, and to order Payment of any Sum of Money that shall appear to be due to either Party for Wages or for the Earnings in respect of any such Carriage, or on account of any Deposit of Money, and to order Compensation to the Proprietor in respect of Damage or Loss which shall have arisen through the Neglect or Default of any Driver or Conductor to the Property of his Employer intrusted to his Care, or in respect of any Sum of Money which such Proprietor may have been lawfully ordered by a Justice of the Peace to pay, and which has been actually paid pursuant to such Order, on account of the Negligence or wilful Misconduct of his Driver or Conductor, and to order such Compensation to either Party in respect of any other Matter of Complaint between them as to such Justice shall seem proper.

Agreements between Drivers, &c. and Proprietors to be in Writing.

XXIII. Provided always, and be it enacted, That it shall not be lawful, either in any Court of Law or before any Justice of the Peace, to enforce the Payment of any Sum of Money claimed from any Driver or Conductor by any Proprietor on account of the Earnings of any Hackney Carriage or Metropolitan Stage Carriage, unless under an Agreement in Writing, which shall have been signed by such Driver or Conductor in the Presence of a competent Witness; and no such Agreement shall be liable to any Stamp Duty.

Proceedings with respect to Licences on quitting Service.

XXIV. And be it enacted, That when any licensed Driver or Conductor shall leave the Service of any Proprietor, such Proprietor shall, upon Demand thereof, return to him his Licence: Provided always,

always, that if the said Proprietor shall have any Complaint against the said Driver or Conductor, it shall be lawful for such Proprietor to retain the Licence for any Time not exceeding Twenty-four Hours after the Demand thereof, and within that Time to apply to the Police Court of the District in which the said Proprietor shall dwell, or if he shall dwell in the City of *London* or the Liberties thereof, then to some Justice of the said City, for a Summons against him; and the said Proprietor, at the Time of applying for the Summons, shall deposit the Licence with the Clerk of such Police Court or Justice; and in case any Proprietor, who, upon Demand thereof, shall have refused or neglected to deliver to any Driver or Conductor his Licence, shall not within Twenty-four Hours, exclusive of *Sunday* or any Day on which the Police Court shall not sit, apply for such Summons, and deposit the Licence as aforesaid, or shall not appear to prosecute his Complaint at the Time mentioned in the Summons, it shall be lawful for such Driver or Conductor to apply at the same Police Court, or to some Justice as aforesaid, for a Summons against such Proprietor; and upon hearing and deciding the Case the Justice, if he shall think there was no just Cause for detaining the Licence, or that there has been needless Delay on the Part of the Proprietor in bringing the Matter to a hearing, shall have Power to order the said Proprietor to pay such Compensation to the said Driver or Conductor as the said Justice shall think reasonable; and Payment of such Compensation shall be enforced in the same Manner as any Penalty may be enforced under this Act by such Justice; and the Justice shall cause the Licence to be delivered to the said Driver or Conductor, unless any Misconduct shall be proved against him, by reason whereof the Justice shall think that such Licence should be revoked or suspended; and so long as any Proprietor shall neglect to apply for such Summons and deposit the Licence, after Demand thereof, any Justice of the Peace may in like Manner from Time to Time order Compensation to be paid by him to the same Driver or Conductor; and no Proprietor shall, under any Pretence or by virtue of any Claim whatever, retain beyond the Time aforesaid the Licence of his Driver or Conductor.

Licences may be revoked or suspended.

XXV. And be it enacted, That it shall be lawful for any Justice of the Peace before whom any Driver, Conductor, or Waterman shall be convicted of any Offence, whether under this Act or any other Act, if such Justice in his Discretion shall think fit, to revoke the Licence of such Driver, Conductor, or Waterman, and also any other Licence which he shall hold under the Provisions of this Act, or to suspend the same for such Time as the Justice shall think proper, and for that Purpose to require the Proprietor, Driver, Conductor, or Waterman in whose Possession such Licence and the Ticket thereunto belonging shall then be to deliver up the same; and every Proprietor, Driver, Conductor, or Waterman, who, being so required, shall refuse or neglect to deliver up such Licence and any such Ticket, or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, the Sum of Five Pounds; and the Justice shall forthwith send such Licence and Ticket to the Registrar, who shall cancel such Licence if it has been revoked by the Justice, or, if it has been suspended, shall, at the End of the Time for which it shall

have been suspended, re-deliver such Licence, with the Ticket, to the Person to whom it was granted.

Hackney Carriage Plates may be seized where the Licence is discontinued or revoked, or where the same are used without Licence.

XXVI. And be it enacted, That in any Case where any Hackney Carriage Licence shall have been discontinued or revoked, and the Stamp Office numbered Plate in respect of the same shall not have been delivered up to the Commissioners of Stamps and Taxes or their proper Officer, or where any Hackney Carriage Plate shall have been recalled, under the said Act of the Second Year of the Reign of His late Majesty, by such Commissioners or Officer, and the same shall not have been delivered up as by Law required, and in any Case where any Hackney Carriage Plate shall be in the Possession of or be used by any Person who shall not have a Licence in force relating to the same, it shall be lawful for any Officer of Stamp Duties, or any Constable or other Peace Officer, to seize and take away any such Plate wheresoever the same may be found, in order to deliver the same to the said Commissioners; and for the Purpose of seizing and taking away any such Plate, or any forged or counterfeit Plate, it shall be lawful for any such Officer of Stamp Duties, Constable, or Peace Officer to stop any Carriage in or upon which the same may be; and any Person who shall molest, obstruct, or hinder any such Officer of Stamp Duties, Constable, or Peace Officer in seizing or endeavouring to seize or take away any such Plate shall forfeit the Sum of Five Pounds; and if in any such Case where any such Plate shall be found in the Possession of any Person who shall not have a Licence in force relating to the same, it shall appear to the Satisfaction of the said Commissioners that the said Plate is or was so possessed by such Person for the Purpose of being used with the Consent of the Person to whom the Licence relating to the same shall have been granted, or that such licensed Person had parted with the same for the Purpose of being used by any other Person, and also in any Case where any Plate shall have been recalled as aforesaid and not delivered up, it shall be lawful for the said Commissioners, if they shall think proper, to revoke the Licence to which such Plate shall relate.

Penalty for obstructing Officer, 5*l.*

Licences may be revoked in certain Cases.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

XXVII. And be it enacted, That every Driver or Conductor authorized by any Proprietor to act as Driver of any Hackney Carriage, or as Driver or Conductor of any Metropolitan Stage Carriage, who shall suffer any other Person to act as Driver of such Hackney Carriage, or as Driver or Conductor of such Metropolitan Stage Carriage, without the Consent of the Proprietor thereof, and also every Person, whether duly licensed or not, who shall act as Driver or as Conductor of any such Carriage without the Consent of the Proprietor thereof, shall forfeit the Sum of Forty Shillings; and every Driver or Conductor charged with such Offence, who, when required by a Justice of the Peace so to do, shall not truly make known the Name and Place of Abode of the Person so suffered by him to act as Driver or Conductor without Consent of the Proprietor, and also the Number of the Ticket of such Person (if licensed), shall be liable to a further Penalty of Forty Shillings; and it shall be lawful for any Police Constable, without any Warrant for that Purpose, to take into Custody any Person unlawfully acting as a Driver or as a Conductor

or

or as Waterman, and to convey him before any Justice of the Peace, to be dealt with according to Law, and also, if necessary, to take charge of the Carriage and every Horse in charge of such Person, and to deposit the same in some Place of safe Custody until the same can be applied for by the Proprietor.

Punishment for furious driving, and wilful Misbehaviour.

XXVIII. And be it enacted, That every Driver of a Hackney Carriage, or Driver or Conductor of a Metropolitan Stage Carriage, who shall be guilty of wanton or furious driving, or who by Carelessness or wilful Misbehaviour shall cause any Hurt or Damage to any Person or Property being in any Street or Highway, and also every Driver, Conductor, or Waterman who during his Employment shall be drunk, or shall make use of any insulting or abusive Language, or shall be guilty of any insulting Gesture or any Misbehaviour, shall for every such Offence forfeit the Sum of Three Pounds; or it shall be lawful for the Justice before whom such Complaint shall be brought, if in his Discretion he shall think proper, instead of inflicting such Penalty, forthwith to commit the Offender to Prison for any Period not exceeding Two Calendar Months, with or without hard Labour, as the Justice shall direct; and in every Case where any such Hurt or Damage shall have been caused the Justice, upon the hearing of the Complaint, may adjudge, as and for Compensation to any Party aggrieved as aforesaid, a Sum not exceeding Ten Pounds, and may order the Proprietor of the Hackney Carriage or Metropolitan Stage Carriage, the Driver or Conductor of which shall have caused such Hurt or Damage, forthwith to pay such Sum, and also such Costs as shall have been incurred, and Payment thereof may be enforced against such Proprietor as any Penalty or Sum of Money may be recovered under and by virtue of this Act; and any Sum which shall be so paid by the Proprietor shall in like Manner be recovered in a summary Way before a Justice of the Peace from the Driver or Conductor through whose Default such Sum shall have been paid, upon Proof of the Payment thereof, pursuant to the Order of the Justice, or it shall be lawful for the Justice in the first instance to adjudge the Amount of such Compensation to be paid by such Driver or Conductor to the Party aggrieved.

Standings for Hackney Carriages to be appointed.

XXIX. And be it enacted, That it shall be lawful for the Commissioners of Police of the Metropolis from Time to Time to appoint Standings for Hackney Carriages at such Places as they shall think convenient within the Metropolitan Police District, except the Borough of *Southwark*, and at their Discretion to alter the same, and from Time to Time to make Regulation concerning the Boundaries of the same, and the Number of Carriages to be allowed at any such Standing, and also to make Regulations for enforcing Order at the Places at which Metropolitan Stage Carriages shall call or ply for Passengers, and for fixing the Time during which each such Carriage shall be allowed to remain at any such Place; and every Driver of a Hackney Carriage, and also every Driver or Conductor of a Metropolitan Stage Carriage, who shall wilfully disregard or not conform himself to such Regulations, shall for every such Offence forfeit the Sum of Forty Shillings.

XXX. And

Standings to be in the Centre of Streets.

XXX. And be it enacted, That no Standing shall be appointed for Hackney Carriages, either within the Metropolitan Police District or within the City of *London*, by virtue of this Act or of any other Act, except in the Centre Part of the Street, unless in the Case of a Street with Houses only on One Side of such Street.

Hackney Carriages not to ply opposite General Post Office

XXXI. And be it enacted, That nothing herein or in any other Act contained shall be deemed or construed to authorize any Hackney Carriage to stand or ply for Hire opposite to the General Post Office in *Saint Martins le Grand, London*, or any Part thereof.

Lord Mayor and Aldermen to make Regulations with respect to Carriages, &c. in the City and the Borough.

XXXII. And be it enacted, That it shall be lawful for the Court of Mayor and Aldermen of the City of *London*, within the City of *London* and the Liberties thereof, and the Borough of *Southwark*, to make Regulations for enforcing Order at the Places at which Metropolitan Stage Carriages shall call or ply for Passengers, and for fixing the Time during which each such Carriage shall be allowed to remain at any such Place; and every Driver or Conductor of a Metropolitan Stage Carriage who shall wilfully disregard or not conform himself to such Regulations shall forfeit the Sum of Forty Shillings.

Penalty on Drivers of Hackney Carriages, or Drivers or Conductors of Metropolitan Stage Carriages, for loitering or causing any Obstruction, or plying for Hire by making any Noise, &c.

XXXIII. And be it enacted, That every Driver of a Hackney Carriage who shall ply for Hire elsewhere than at some Standing or Place appointed for that Purpose, or who by loitering or by any wilful Misbehaviour shall cause any Obstruction in or upon any public Street, Road, or Place, and also every Driver or Conductor of any Metropolitan Stage Carriage who by loitering or any wilful Misbehaviour shall cause any Obstruction in or upon any public Street, Road, or Place, or shall improperly delay such Carriage on any Journey, or wilfully deceive any Person in respect to the Route or Destination thereof, or who shall refuse to admit and carry at the lawful Fare any Passenger for whom there is Room, and to whose Admission no reasonable Objection is made, or who shall demand more than the legal Fare for any Passenger, or who, for the Purpose of taking up or setting down a Passenger, or, except in case of Accident or other unavoidable Necessity, shall stop such Carriage opposite to the End of any Street, or upon any Place where Foot Passengers usually cross the Carriageway, or who shall ply for Hire or Passengers by blowing a Horn, or by using any other noisy Instrument within the Limits of the Metropolis as defined by the said Act of the Second Year of the Reign of His late Majesty, and every Conductor of a Metropolitan Stage Carriage who shall allow any Person beside himself to ride upon the Steps or in the Place provided for him, and every Driver of a Hackney Carriage, whether hired or unhired, allowing any Person besides himself, not being the Hirer or a Person employed by such Hirer, to ride on the Driving Box, and every Driver or Conductor of any Metropolitan Stage Carriage who shall smoke whilst acting in such Capacity, after an Objection taken by any Person riding in or upon such Carriage, shall for every such Offence forfeit the Sum of Twenty Shillings.

Property left in Stage Carriages.

XXXIV. And be it enacted, That all Property left by any Passenger in any Metropolitan Stage Carriage shall be given up to the Conductor of such Carriage, or, if there be no Conductor, to the Driver, upon pain of a Penalty of Twenty Pounds, to be paid by any Person refusing or neglecting to give up any such Property belonging to another Person; and the Conductor or Driver of every such Carriage to whom any such Property shall be given up, or who shall himself find it in the Carriage, shall, within Four Days next after the same shall have been left, carry the Property, in the State in which he shall find the same, to the Head Office for Stamps in the City of *Westminster*, and shall there deposit and leave the same with the proper Officer to be appointed by the Commissioners of Stamps and Taxes for that Purpose, upon pain that every such Conductor making default herein shall forfeit Twenty Pounds; and the Property so deposited by any Conductor or Driver shall be dealt with in the same Manner as Property left in Hackney Carriages and deposited by the Drivers of such Carriages.

Proprietors may be summoned to appear, and to produce the Driver or Conductor.

XXXV. And be it enacted, That when any Complaint shall be made before any Justice of the Peace against the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, for any Offence committed by him against the Provisions of this Act, or of the recited Act of His late Majesty, or of any Order or Regulations made in pursuance of this Act, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Carriage to produce before him, or such other Justice of the Peace as shall be then present, the Driver or Conductor by whom such Offence was committed, to answer such Complaint; and in case such Proprietor, after being duly summoned, shall fail to produce the Driver or Conductor, it shall be lawful for the Justice of the Peace before whom such Driver or Conductor should be produced (if he shall think fit) to proceed, in the Absence of such Driver or Conductor, to hear and determine the Case in the same Manner as if he had been produced, and to adjudge Payment by the Proprietor of any Penalty or Sum of Money and Costs in which the Driver shall be convicted; and any Sum of Money which shall be so paid by the Proprietor shall be recovered in a summary Way from the Driver or Conductor by whose Default such Sum shall have been paid upon Proof of Payment thereof, pursuant to the Order of the Justice, and upon Proof of Service of the Notice herein-after mentioned: Provided always, that if the Justice of the Peace shall deem it proper, it shall be lawful for him when such Proprietor shall fail to produce his Driver or Conductor, without any satisfactory Excuse to be allowed by such Justice, to impose a Fine of Forty Shillings upon such Proprietor, and so from Time to Time as often as he shall be summoned in respect of such Complaint until he shall produce his Driver and Conductor; and every Proprietor so summoned to produce his Driver or Conductor shall cause to be given to such Driver or Conductor, or to be left at the Abode specified in his Licence, or (if such Licence shall expire after the Offence committed and before the hearing of the Complaint) at his usual Place of Abode, a written Notice of the Time and Place when and where such Driver or Conductor shall be required to attend; and if such Driver or Con-

In case of Proprietors failing so to do.

ductor shall not attend according to such Notice, it shall be lawful for a Justice of the Peace to issue a Warrant for his Apprehension, and if after such Notice any Driver or Conductor shall, without a reasonable Excuse to be allowed by the Justice, neglect or refuse to attend at the Time and Place therein mentioned, or (having previously left the Service of the Proprietor so summoned as aforesaid) shall not at the Time and Place of his Attendance produce his Licence, he shall forfeit the Sum of Forty Shillings, and so from Time to Time as often as he shall so neglect or refuse.

Magistrates empowered to hear and determine Complaints.

XXXVI. And be it enacted, That it shall be lawful for any Magistrate specially appointed under the Authority of the said Act of the Reign of His late Majesty for the Purpose of hearing and determining Offences against the Provisions of that Act, or for such other Magistrate as shall be in attendance at the Office appointed in that Behalf, to hear and determine any Complaint for any Offence against the Provisions of this Act, or of any Act now in force or hereafter to be in force, wheresoever the Cause of Complaint may arise, within the City of *London* or the Liberties thereof, or elsewhere within the Limits of this Act, so far as the same shall relate to Hackney Carriages or to Metropolitan Stage Carriages, or to Watermen, in like Manner as if such Provisions had been included in the aforesaid Act.

Evidence of Complainant to be taken.

XXXVII. And be it enacted, That upon the hearing of any Complaint made under the Provisions of this Act or the recited Act passed in the Reign of His late Majesty, or of the Orders and Regulations aforesaid, it shall be lawful for the Justice of the Peace by whom the same shall be heard to examine and take the Evidence of the Informant or Complainant in any Dispute concerning the Amount of Fare paid or demanded by either Party, or in any Dispute between the Proprietor and Driver or Conductor of any Hackney Carriage or Metropolitan Stage Carriage concerning the Wages of such Driver or Conductor, or in any Complaint of personal Injury done to the Complainant by the Driver of any Hackney Carriage or Metropolitan Stage Carriage, or in any Case in which the Informant or Complainant shall be entitled to no pecuniary Advantage besides his Costs and Expences, or, being entitled to some Compensation or pecuniary Advantage, shall either give up all Claim to the same, or shall not be the only Witness in the Case.

Complaints to be made within Seven Days.

XXXVIII. And be it enacted, That all Complaints under the Provisions of the said recited Act of the Reign of His late Majesty or of this Act, or of the Orders and Regulations made in pursuance of either of them, except such as shall be made by the Direction of the Commissioners of Stamps and Taxes, and except in Cases where some other Term of Limitation is specially provided by this Act, shall be made within Seven Days next after the Day on which the Cause of Complaint shall have arisen.

Penalties may be awarded to be paid by Instalments.

XXXIX. And be it enacted, That it shall be lawful for any Justice of the Peace to hear and determine all Complaints under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, and to adjudge the Payment of any Penalty or of any

any Sum of Money under either of the said Acts, or of the Orders and Regulations made pursuant to either of them, and to order Payment of the same, with or without Costs, either immediately, or at such Time and Place, and by such Instalments, as he shall think fit; and in case of Nonpayment of the Sum so ordered to be paid, or of any One Instalment thereof, to adjudge the Party making default to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Calendar Months, with or without hard Labour, such Imprisonment to cease on Payment of the Sum so adjudged or ordered to be paid, or to issue his Warrant for the levying of any such Sum of Money, together with the Costs and Expences of such Warrant or of levying the same, on the Goods of the Party making default, and to cause Sale to be made of such Goods in case they shall not be redeemed within Five Days, rendering to the Party the Overplus (if any), and where Goods of such Party making default cannot be found sufficient to answer the Penalty or Sum ordered to be paid, and all such Costs and Expences, to commit such Party to Prison, there to remain for any Time not exceeding Two Calendar Months, unless such Penalty or Sum of Money, and all such Costs and Expences, shall be sooner paid; and every such Imprisonment shall be with or without hard Labour as such Justice shall direct: Provided always, that no Imprisonment for Nonpayment of any Sum ordered to be paid on account of Wages, or the Earnings of any Carriage, or of any Deposit of Money, shall be for a longer Period than One Calendar Month, or with hard Labour; and all Proceedings whatsoever before any Justice of the Peace under any of the Provisions of this Act or the recited Act of the Reign of His late Majesty, and the Judgment of the said Justice thereon, shall be final and conclusive between the Parties, and shall not be quashed or vacated for Want of Form, and shall not be removed by Certiorari, or any other Writ or Process, into any Superior Court.

In case of Nonpayment the Party may be imprisoned.

Proviso.

XL. And be it enacted, That in all Cases where any Goods or Chattels distrained or otherwise seized or taken under any of the Provisions of this Act or the recited Act of the late Reign, are directed to be sold, the same shall be sold by public Auction, and Notice of the Time and Place of such Sale shall be given to the Owner of such Goods or Chattels, or left at his usual Place of Abode, Three Days at least prior to such Sale: Provided always, that if the Owner of any such Goods or Chattels shall give his Consent in Writing to the Sale thereof at an earlier Period than is by this Act or shall be by any such Notice appointed for such Sale, or in any other Manner than is by this Act directed, it shall be lawful to sell such Goods or Chattels according to such Consent: Provided also, that if the Owner of such Goods or Chattels shall, at any Time before the Sale thereof, pay or tender to the Person who by any Warrant or other Process shall be directed or authorized to cause such Goods or Chattels to be sold the Sum which he shall by such Warrant or Process be directed to levy or raise by the Sale of such Goods or Chattels, together with all reasonable Costs and Expences incurred, no Sale of such Goods or Chattels shall be made.

In what Manner Goods distrained under this Act shall be sold.

XLI. And

Service of Summonses and other Notices.

XLI. And be it enacted, That for the Purpose of serving Summonses and other Notices required by this or the recited Act of His late Majesty the usual Place of Abode of any Driver, Conductor, or Waterman, or of any Person who, having been licensed as a Driver, Conductor, or Waterman, has neglected to return his Metal Ticket at the Expiration of his Licence, shall be deemed to be the Place specified in the Licence; and that it shall be lawful for any Justice of the Peace in all Cases, upon Complaint being made in respect of any Matter within the Meaning of this or of the recited Act of His late Majesty, or of the Orders and Regulations made in pursuance thereof, to issue his Summons to require the Attendance of the Person complained of before the said Justice, or any other Justice, at a Time and Place to be appointed for that Purpose, or to issue a Warrant for the Apprehension of such Person, either in the first instance, or after the issuing and Service of such Summons and the Non-appearance of the Party summoned; and every Summons or other Notice required by this Act shall be deemed to be duly served, provided the same, or a Copy thereof, shall be either personally served or left at the usual Place of Abode of the Party to whom it shall be directed, or if he shall be a Party licensed under this or the recited Act of His late Majesty, then at the Place of Abode specified in his Licence.

Penalty on Witnesses refusing to attend or to give Evidence.

XLII. And be it enacted, That every Person summoned as a Witness to give Evidence touching any Matter to be heard under this Act or the recited Act of His late Majesty, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed by any Justice of the Peace, without a reasonable Excuse to be allowed by such Justice, or who shall appear but refuse to be examined or give Evidence, shall forfeit the Sum of Five Pounds.

Certain Proceedings to be drawn up according to the Forms in the Schedule.

XLIII. And be it enacted, That every Summons or Warrant of Distress which shall be had or taken against the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage, for the Default of the Driver or Conductor thereof, for the Recovery of any Penalty, Compensation, or Costs under the Provisions of this Act, or such Rules, Orders, and Regulations as aforesaid, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the Effect thereof, with such Changes as the Case may require; and that every Order, Conviction, Warrant, or other Proceeding which shall be drawn, had, or issued under the Provisions of this Act or of the recited Act of the Reign of His late Majesty, or of such Rules, Orders, and Regulations as aforesaid, shall be good and effectual without stating the Facts in Evidence, or more than the Matter or Offence in respect whereof such Order, Conviction, or other Proceeding as aforesaid shall have been had, made, or issued.

Providing for Cases where there are more Proprietors than One.

XLIV. And be it enacted, That in every Case where there shall be more than One Proprietor of any Hackney Carriage or Metropolitan Stage Carriage, it shall be sufficient, in any Information, Summons, Order, Conviction, Warrant, or any other Proceeding under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, to name One of such Proprietors without

reference to any other or others of them, and to describe and proceed against him as if he were sole Proprietor.

Power to mitigate Penalties.

XLV. And be it enacted, That it shall be lawful for any Justice of the Peace by whom any Person shall be convicted of any Offence under this Act, or under the recited Act of His late Majesty, to lessen the Penalty or Term of Imprisonment in such Manner as he may think fit.

Appropriation of Penalties.

XLVI. And be it enacted, That all Penalties or Sums of Money ordered and adjudged within the Metropolitan Police District to be paid under this Act or the recited Act of His late Majesty, and not otherwise appropriated, shall be payable to Her Majesty, and that all Penalties or Sums of Money ordered and adjudged within the City of *London* or the Liberties thereof to be paid under this Act or the recited Act of His late Majesty, and not otherwise appropriated, shall be payable to the Chamberlain of the City of *London*, in aid of the Expences of the Police of the said City.

Limitation of Actions.

XLVII. And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done under the Authority of this Act, or of such Orders and Regulations as aforesaid, shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the City of *London* or the County of *Middlesex*, and not elsewhere; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and if the Cause of Action shall appear to arise from any Matter or Thing done by the Authority of this Act, or of any such Orders and Regulations as aforesaid, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced, by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases of Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action, and of the Verdict obtained thereupon.

Venue.

Notice of Action.

Tender of Amends.

Act may be amended this Session.

XLVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE referred to in the foregoing Act.

No. 1.

Form of a Summons to the Proprietor of a Hackney Carriage or a Metropolitan Stage Carriage to produce the Driver or Conductor thereof to answer a Complaint.

To *E.F.* of, *&c.*, Proprietor of the Hackney Carriage, Number [*or* the Metropolitan Stage Carriage, Number].

WHEREAS Complaint hath been made by *C.D.* against the Driver of the Hackney Carriage, Number [*or* the Driver *or* Conductor of the Metropolitan Stage Carriage, Number], on the Day of now last past [*or* instant], charging that the said Driver [*or* Conductor], on the Day of now last past [*or* instant], (of which said Carriage you were then the Proprietor,) at or about the Hour of did [*here state the alleged Offence*]: These are therefore to require you to produce the said Driver *or* Conductor before me, or such other Magistrate as shall be present, at on the Day of at of the Clock in the noon, then and there to answer the said Complaint.

Dated the Day of

(Signed)

One of the Police Magistrates of the Metropolis,

[*or*

One of Her Majesty's Justices of the Peace for]

No. 2.

Form of a Warrant of Distress for levying upon the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage the Penalty in which the Driver or Conductor thereof has been convicted.

To *A.B.* of, *&c.*

Metropolitan Police District to wit. } WHEREAS *C.D.*, the Driver of the Hackney Carriage, Number [*or* the Driver *or* Conductor of the Metropolitan Stage Carriage, Number], on the Day of was duly convicted of a certain Offence, for that [*here state the Offence*], whereby he hath been adjudged to forfeit the Sum of over and above the Sum of for the Costs and Charges of the Informer, making together the Sum of which hath not been paid by the said Driver [*or* Conductor], nor by any Person on his Behalf: And whereas, according to the Statute in that Behalf made, the said *E.F.*, the Proprietor of the said Carriage, hath been required to pay the said Sum of which he hath neglected and refused to do: Therefore I command you to levy the said Sum of by distraining the Goods and Chattels of the said *E.F.*, the said Proprietor; and if within the Space of Five Days next after such Distress

Distress taken the said Sum of together with the reasonable Costs and Charges of taking and keeping such Distress, shall not be paid, then I order and direct that you shall sell and dispose of the said Goods and Chattels which shall be so distrained, taken, and seized as aforesaid, and shall levy and raise thereout the said Sum of and all reasonable Costs and Charges of taking and keeping and selling such Distress, rendering the Overplus (if any) to the Owner of the said Goods and Chattels; and you are to certify to me what you shall have done by virtue of this my Warrant. Given under my Hand and Seal the Day of .

(Signed)
One of the Police Magistrates of the Metropolis,
[*or*
One of Her Majesty's Justices of the Peace for]

No. 3.

Form of Warrant of Commitment of the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage for Want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

To *A.B.* of, *&c.*, and to the Keeper of the Common Gaol [*or* House of Correction] at

Metropolitan Police District to wit. } WHEREAS, *&c.* [*proceed as in the Form No. 2. to the Words* "which he hath neglected and refused to do," *inclusive*]: And whereas it has been duly made to appear to me that no sufficient Distress of the Goods and Chattels of the said *E.F.*, the said Proprietor, can be found whereon to levy the said Sum of : Therefore I command you the said *A.B.* to apprehend and take the said *E.F.*, and safely to convey him to the Common Gaol [*or* House of Correction] at in the of and there to deliver him to the Keeper thereof, together with this Warrant. And I do hereby command you the said Keeper to receive into your Custody in the said Gaol [*or* House of Correction] him the said *E.F.*, and him therein safely to keep for the Space of unless the said Sum of shall be sooner paid.

Given under my Hand and Seal the Day of

(Signed)
One of the Police Magistrates of the Metropolis,
[*or*
One of Her Majesty's Justices of the Peace for]

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

CAP. LXXXVII.

An Act for raising the Sum of Eleven millions one hundred and thirty-two thousand one hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-three; and for amending an Act for granting Relief to certain Islands in the *West Indies*.

[24th *August* 1843.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times, to cause any Number of Exchequer Bills

Treasury may raise 11,132,100*l.* by Exchequer Bills, in

like Manner as is prescribed by

Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven millions one hundred and thirty-two thousand one hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the last Session of Parliament, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Acts extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. And be it enacted, That the Principal Sum or Sums of Money, not exceeding in the whole the Sum of Nine millions one hundred and thirty-two thousand one hundred Pounds, to be contained in such Exchequer Bills as shall be made out by virtue of this Act, shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament, and that the Principal Sum or Sums of Money, not exceeding in the whole the Sum of Two millions, to be contained in such Exchequer Bills as shall be made out by virtue of this Act, shall be charged upon and shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland.*

Interest on Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein; the Interest on such of the Exchequer Bills as shall be charged on Supplies to be payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer, and the Interest on such of the Exchequer Bills as shall be charged on the Consolidated Fund to be payable out of the said Fund.

Bills charged on Supplies to be current in Payment

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act which shall be charged on Supplies, or so many of them as shall from Time to Time remain undischarged and uncancelled,

uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

of Public Revenue after Twelve Calendar Months from their Dates.

VII. And be it enacted, That all such Exchequer Bills as shall by virtue of this Act be issued and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Interest accruing due thereon, shall be made payable out of the said Consolidated Fund, or out of the growing Produce thereof, at such Periods and in such Manner as shall be fixed by the said Commissioners of Her Majesty's Treasury: Provided always, that all such Bills shall be made payable within Three Years from the Date of the said Bills; and that the Principal Sum contained in every such Bill, and such Interest as may be due thereon, shall be paid off and discharged from Time to Time, either together or separately, upon the Days or Times respectively appointed by the said Commissioners of Her Majesty's Treasury, by Warrants under their Hands to the Comptroller General of Her Majesty's Exchequer.

Bills charged on Consolidated Fund how to be payable.

VIII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven millions one hundred and thirty-two thousand one hundred Pounds; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 11,132,100*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

IX. And whereas by an Act passed in the present Session of Parliament, intituled *An Act for granting Relief to the Islands of* Antigua, Saint Kitts, Nevis, Dominica, *and* Montserrat, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* are empowered to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer, for any Sum or Sums of Money, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, for the Purposes set forth in the said Act; be it enacted, That on the several Days on which any Exchequer Bills made pursuant to the said Act shall become payable, or within Ten Days thereafter, the said Commissioners of Her Majesty's Treasury shall cause an Account to be taken, and attested by

Security for Discharge of Exchequer Bills.

by the proper Officers, of all such Exchequer Bills falling due on such Days, and of the Monies which shall then be in the Bank of *England* applicable to the Payment of the same; and the Deficiency shall be made good out of the Supplies which shall be or shall have been granted for the Service of the Year in which such Exchequer Bills shall become payable; and in case the Monies arising from such Supplies shall not at the Time be sufficient for that Purpose, then all the Exchequer Bills remaining undischarged, with the Interest and Charges incident to the same, shall be charged upon such Monies as at any Time after any such Deficiencies shall happen shall be in the Bank of *England* to the Credit of the Consolidated Fund of *Great Britain* and *Ireland*, except such Monies of the said Consolidated Fund as may be or may have been appropriated to any particular Use or Uses by any Act or Acts in that Behalf: Provided always, that whatever Monies shall be so issued out of the Consolidated Fund shall from Time to Time be replaced out of the first Supplies to be thereafter granted in Parliament, and whatever Monies shall thereafter be paid into the Bank of *England* on account of the Repayments to be made by virtue of the said Act shall be applied towards replacing the Monies before issued out of the said Supplies or Consolidated Fund, as the Case may be.

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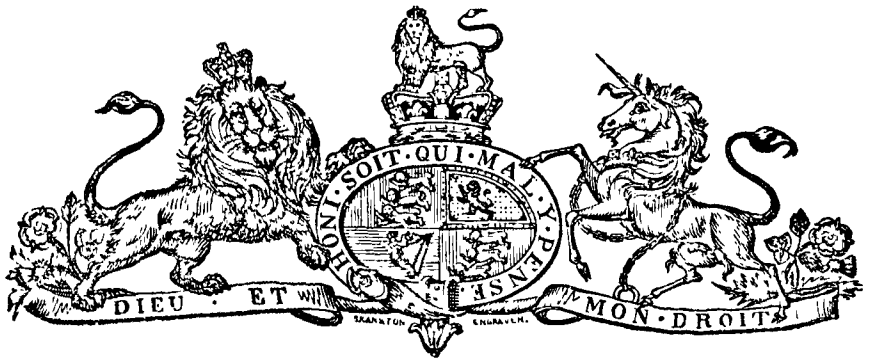

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXXVIII.

An Act for the Completion of a Parochial Church in the Parish of *Saint Michael* in the City of *Limerick*, and for securing the Nomination of a Perpetual Curate thereto. [22d *August* 1843.]

WHEREAS the Parish of *Saint Michael* in the County of the City of *Limerick* hath from Time immemorial been united to the Parishes of *Ardagh* and *Kildimo*, which Union forms the Archdeaconry of *Limerick*, but there is no Parish Church in the said Parish of *Saint Michael*: And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable the Lord Bishop of* Limerick *to sell and dispose of* Saint George's *Chapel in the City of* Limerick, *and the Land on which the same is built* (*heretofore Part of the Estate of the Earl of* Limerick), *and to apply the Proceeds of such Sale in the Erection of a new Chapel*, after reciting, that by an Indenture bearing Date the Twenty-sixth Day of *January* One thousand eight hundred and four, and made between *Edmond Sexton Pery* late Viscount *Pery*, since deceased, of the First Part, *Anthony Lefroy* of the City of *Limerick*, Esquire, of the Second Part, and the Right Reverend Father in God *Thomas* Lord Bishop of *Limerick* of the Third Part, a Chapel and the Ground upon which the same stood, situate

3 & 4 W. 4. c. 29. (Pr.)

situate at the Corner of *George's Street* and *Mallow Street* in the said City of *Limerick*, and also a small Piece of Ground adjoining the same, were conveyed or intended to have been conveyed by the said *Edmond Sexton Pery* Viscount *Pery* unto the said *Thomas* Lord Bishop of *Limerick* and his Successors Bishops of *Limerick*, upon Trust for permitting the said Chapel to be used as a Chapel for ever; and reciting, that since the Decease of the said *Edmond Sexton* Viscount *Pery* the said Chapel had been used by the Protestant Inhabitants of the Neighbourhood for Religious Worship, but the said Chapel was far too small for the Accommodation of the Protestant Inhabitants of the Neighbourhood; and reciting, that by an Indenture of Release bearing Date the Twenty-fourth Day of *December* One thousand eight hundred and thirty-two, grounded on a Lease for a Year bearing Date the Twenty-third Day of the same Month, and made between the said *Edmond Henry* Earl of *Limerick* of the one Part, and the Churchwardens of the said Parish of *Saint Michael* of the other Part, after reciting therein an Act passed in the Parliament held in *Ireland* in the Thirty-third Year of the Reign of
32 G. 3 (I.) His late Majesty King *George* the Second, intituled *An Act for reviving and amending an Act passed in the Twenty-third Year of His then present Majesty's Reign, intituled 'An Act for amending, 'continuing, and making more effectual the several Acts now in force 'in this Kingdom for the more easy Recovery of Tithes and other 'Ecclesiastical Dues of small Value; and also for the more easy 'providing a Maintenance for Parish Clerks; and to encourage 'the building of new Churches;"* and also reciting, that the said *Edmond Henry* Earl of *Limerick* was then seised of the Plot, Piece, or Parcel of Land or Ground therein-after described and thereby granted and released or otherwise assured or intended so to be for his Life, with immediate Remainder over to his own Issue; and also reciting, that it was desirable and expedient that a new Church should be built for the Accommodation of the Protestant Inhabitants of the said Parish of *Saint Michael*, it was by the said Indenture witnessed that the said *Edmond Henry* Earl of *Limerick*, by virtue and in execution of the Power and Authority given to him by the said recited Act, and of all other Powers and Authorities in anywise enabling him in that Behalf, did give, grant, release, and confirm unto the Churchwardens of said Parish of *Saint Michael*, and their Successors for ever, all that Plot, Piece, or Parcel of Ground situate in the Centre of the new Street intended to be opened from the West End of *Pery Square* in the City of *Limerick* to the Lands of *Ballinacurra* in the said City, containing in Length One hundred and ten Feet and in Breadth Sixty-six Feet, to hold the same unto and to the Use of the said Churchwardens and their Successors for ever as and for a Site for said intended new Church for the Use of the Parishioners of the said Parish, and reciting, that the better to effect the Erection of such new Church or Chapel it was expedient that the said Chapel, Ground, and Premises comprised in the said recited Indenture of the Twenty-sixth Day of *January* One thousand eight hundred and four should be sold, and that the Money to arise from the Sale thereof should be applied for the Purposes and in manner therein-after expressed and declared concerning the same, it was by the said Act now in recital enacted, that it should be lawful for the

Right Reverend *John* Lord Bishop of *Limerick*, or the Lord Bishop of *Limerick* for the Time being, to make sale and dispose of the said Chapel, Ground, and Premises comprised in the said therein-before recited Indenture of the Twenty-sixth *January* One thousand eight hundred and four to any Person or Persons whomsoever, (with Liberty to sell the said Chapel and other the Buildings as Building Materials,) and either by public Sale or private Contract, and for the Purpose of effectuating any such Sale to convey and assure the same Premises to the Purchaser or Purchasers thereof, and also upon Payment of the Monies to arise from such Sale or Sales to give effectual Discharges for the Purchase Money in manner in the said Act mentioned; and it was by the said Act now in recital further enacted, that the said *John* Lord Bishop of *Limerick*, or the Lord Bishop of *Limerick* for the Time being, should be possessed of the Money to arise from such Sale or Sales as aforesaid, upon Trust, after defraying the Costs and Expences incident to obtaining the said Act now in recital, and also the Expences attending the Conveyance of the Chapel, Land, and Premises thereby authorized to be sold, to pay and apply the Residue of the said Purchase Money towards the erecting, completing, and finishing the said Chapel so intended to be erected and built as aforesaid: And whereas the said Chapel, Ground, and Premises were afterwards sold, pursuant to the said Act of Parliament passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, and the Purchase Monies arising from such Sale have been applied towards the Erection of the said Church or Chapel in the said recited Act of Parliament mentioned as intended to be built as aforesaid, and which has been in part built upon the said Plot or Piece of Ground so conveyed to the Churchwardens of said Parish of *Saint Michael* by the said recited Indenture of the Twenty-fourth *December* One thousand eight hundred and thirty-two for that Purpose as aforesaid, but the said Church or Chapel is not yet sufficiently completed for the Celebration of Divine Service: And whereas by reason of the great Increase of the new Town of the City of *Limerick* within the present Century there is a large Protestant Population in the said Parish of *Saint Michael* destitute of sufficient Church Accommodation within the said Parish, and it is expedient to provide for the Celebration of Divine Service at a convenient Distance for the Resort of the Inhabitants of said Parish, and the said new Church when completed will be convenient for that Purpose, and it is expedient, for the Purposes of this Act, to make the said Parish of *Saint Michael* a distinct Parish: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Parish of *Saint Michael* shall be deemed and reputed a several and distinct Parish for the Purposes in this Act mentioned, and that the said new Church, now partly erected, shall be deemed the Parish Church of the said Parish of *Saint Michael*, and shall be called "the Church of *Saint Michael*," and shall (subject as hereinafter mentioned) be deemed a Perpetual Cure; and that the Perpetual Curate

Saint Michael's Parish to be a distinct Parish, and the new Church to be the Parish Church thereof, &c.

Curate thereof, when duly nominated or licensed, shall be capable of receiving any Endowment or Augmentation from any Person or Persons, Body or Bodies Politic or Corporate, in such Manner as any Curate of any impropriate or appropriate Parish is by the Laws now in being qualified to take the same; and such Curate is hereby declared to be a Body Politic and Corporate, and shall have perpetual Succession by the Name of "the Perpetual Curate of *Saint Michael*'s Church," and made capable to receive any such Endowments or any such Augmentation as may be granted to him or his Successors; and the said Parish of *Saint Michael* shall have all parochial Rights by Law appertaining to any Parish set out or described under the Provisions of an Act passed in the Session of the Parliament of *Ireland* held in the Eleventh and Twelfth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for erecting Parochial Chapels of Ease in Parishes of large Extent, and making such Chapels and those that are already erected Perpetual Cures; and making a proper Provision for the Maintenance of Perpetual Curates to officiate in the same, and also in like Manner for making appropriate Parishes Perpetual Cures;* saving, nevertheless, to the Archdeacon of *Limerick* and his Successors, Rectors of the said Parish of *Saint Michael*, all his and their now existing Rights, Powers, Jurisdictions, Privileges, Perquisites, Benefits, Charges, Fees, Dues, and Emoluments in respect of the said Church and Parish, or Perpetual Curate, as Rectors or Incumbents thereof, fully and effectually, to all Intents and Purposes, and so as such Perpetual Curate shall not have or exercise any independent Power or Authority, or be entitled to any Privileges, Perquisites, Charges, Fees, Dues, Emoluments, Jurisdictions, or Powers, in said Church or Parish to the Prejudice of such Rights of the Rector of said Parish as aforesaid, save such as are hereby expressly granted.

11 & 12 G. 3. (I.)

All Grants and Endowments heretofore made by Ld. Pery or Ld. Limerick to be continued in Perpetuity for the Use of the Perpetual Curate.

II. And be it enacted, That all the Grants, Gifts, Conveyances, and Endowments of Lands, Tithes, Rent-charge in lieu of Tithes, Profits, or other Emoluments heretofore made and granted by the late *Edmond Sexton* Viscount *Pery* and by the said *Edmond Henry* Earl of *Limerick*, or either of them, to the Reverend *Pryce Peacock* as Minister of the Chapel of *Saint George*, or granted by them or either of them for the Use of the Minister of such Chapel, or in Trust for him, comprising the unsold Portion of the Plot or Piece of Ground in *Saint George's Street* and the Plot or Piece of Ground in *Mallow Street* in the City of *Limerick*, and also of the Rectorial Tithes or Rent-charge in lieu of Tithes in the Parish of *Ballinlough* in the County of *Limerick*, granted as aforesaid, are hereby granted, conveyed, and confirmed to the said *Pryce Peacock* as first Perpetual Curate of the said Church, and to his Successors for ever, being Perpetual Curates thereof duly nominated under this Act, and shall be deemed and considered Part or Portion of a perpetual Endowment of the said Church for the Maintenance of such Perpetual Curate and his Successors for ever.

Earl of Limerick to be Patron and Rev. Pryce

III. And be it enacted, That from and after the passing of this Act the said *Edmond Henry* Earl of *Limerick* and his Heirs shall be and be esteemed in Law to be the true Patron or Patrons of the

the said Perpetual Curacy of the said new Church of *Saint Michael*, and the sole Right of Presentation or Nomination thereto of such Perpetual Curate, but subject as aforesaid and without Prejudice to the Rights of the Rector therein as aforesaid, shall be for ever hereafter vested in the said *Edmond Henry* Earl of *Limerick* and his Heirs; and that the Reverend *Pryce Peacock* be the first Perpetual Curate thereof from and after the passing of this Act, subject as aforesaid.

Peacock first Perpetual Curate of St. Michael's Church.

IV. And be it enacted, That the said Perpetual Curacy of *Saint Michael* and the Patronage thereof shall be subject to the same Laws in respect of the Lapse of the Presentation or Nomination thereto, and in respect of the Residence of the Curate thereof, and the Visitation and Jurisdiction of the Bishop of the Diocese, as are in and by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the Encouragement of building of Chapels of Ease in* Ireland, enacted and declared of and concerning Cures and Benefices endowed by virtue of the Powers given by the said Act: Provided always, that this Act be not construed so as to discharge the said Archdeacon of *Limerick*, or his Successors, Rectors of the said Parish of *Saint Michael*, from the Cure of Souls or any other parochial Duties in the said Parish and in the said new Church, but such Cure of Souls and parochial Duties in the said Parish and said Church shall remain in him and them as if no such Perpetual Curate was appointed thereto: Provided always, that nothing herein contained shall be deemed or construed to impose on the said *Pryce Peacock*, as the first Perpetual Curate of the said Church under this Act, any Duties other than such as he was liable to as Chaplain or Minister of the said Church called *Saint George*'s Church previous to the passing of this Act, save so far as the Bishops of the Diocese or Archbishop of the Province may in the lawful Exercise of their Jurisdiction think proper to direct: Provided also, that nothing herein contained shall be deemed or taken to entitle the Perpetual Curate of the said Perpetual Cure of *Saint Michael* to the Payment of any Stipend, Salary, or Maintenance by the Archdeacon of *Limerick* or his Successors Rectors of said Parish, nor to sever or dissolve in any Manner howsoever the Corps of the said Archdeaconry, further or otherwise than is for the Purposes of this Act enacted and declared; saving and reserving unto the said Reverend *Pryce Peacock*, first Perpetual Curate appointed under this Act as aforesaid, all such Rights, Privileges, and Enjoyments, Profits and Emoluments, as he heretofore enjoyed and now hath or was or is entitled unto as Chaplain or Minister of *Saint George*'s Church as aforesaid, together with all other Rights and Privileges in the said Church of *Saint Michael* which to a Perpetual Curate by Law appertain, any thing in this Act to the contrary notwithstanding.

Perpetual Curacy of St. Michael subject to Provisions of 6 & 7 W. 4. c. 31.

V. And be it enacted, That Pews or Sittings in the said Church to be marked with the Words "Free Sittings," amounting in the whole to not less than One Fourth Part of the whole of the Sittings in such Church, shall be appropriated and set apart for the Use of poor

Free Sittings, to the Extent of One Fourth, to be reserved.

poor Persons resorting thereto, and for which Pews or Sittings no Rent or Assessment whatsoever shall be at any Time charged or imposed; and that the Pews or Sittings in the said Church, save and except the Pews or Sittings so to be set apart for the Use of poor Persons, and save and except the Pews set apart or to be set apart for the Use of the Rector, Curate, or officiating Minister of the said Church for the Time being, or for their Families, shall be for ever charged and chargeable in the several and respective yearly Rents or Sums to be set opposite to the Figures or Numbers to be marked upon each of the said Pews or Sittings, as they shall be particularly numbered or set down in the Lists or Schedules to be signed by the Perpetual Curate of the said Church of *Saint Michael* and the Bishop of the Diocese for the Time being.

Recovery of Pew Rents.

VI. And be it enacted, That in case the Rent of any such Pew or Sitting, or any Part thereof, shall happen to be behind and unpaid by the Space of Six Months next after the same shall become due, and Notice in Writing demanding Payment thereof shall have been given to the Owner or Occupier of such Pew or Sitting, then the said Perpetual Curate of the said Church of *Saint Michael* for the Time being may enter upon and hold such Pew or Sitting, and let the same to any other Person or Persons in such Manner as he shall think proper; and it shall be lawful for the said Perpetual Curate for the Time being to recover the said Rent so in arrear by Action of Debt or upon the Case for the Use and Occupation of such Pew or Seat, to be brought against the Owners or Occupiers thereof in the Name of the said Perpetual Curate for the Time being.

No Interments.

VII. And be it enacted, That it shall not be lawful to use any of the Vaults of the said Church, or any of the Precincts thereof, for the Purposes of Interment.

Ecclesiastical Commissioners may make Payments for completing St. Michael's Church. 3 & 4 W. 4. c. 37.

VIII. And whereas by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland, it was enacted, amongst other things, that all and every the Monies and Funds therein mentioned which should under and by virtue of that Act be at the Disposal of the Commissioners under the said Act and their Successors (commonly called the Ecclesiastical Commissioners for *Ireland*), should (save as is therein excepted) be applicable, amongst other Purposes, for defraying such Expences of building, rebuilding, enlarging, or repairing any Church or Chapel as had been theretofore defrayed by Vestry Assessment in *Ireland*: And whereas the said Ecclesiastical Commissioners for *Ireland* undertook and agreed to grant the Sum of One thousand Pounds Sterling in aid of the Monies produced by the said Sale of the said Chapel in *George Street*, herein-before mentioned, towards the Completion of the said new Church of *Saint Michael*, and the Erection thereof was continued by the Contractor therefore on the Faith of the said Undertaking or Agreement so entered into by the said Ecclesiastical Commissioners, but Doubts have since been entertained by them whether under the said Act of the Third and Fourth Years of King *William*

William the Fourth the said Ecclesiastical Commissioners had Power to enter into such Agreement, or would now be authorized to make a Grant pursuant thereto; be it therefore declared and enacted, That it shall and may be lawful to and for the said Ecclesiastical Commissioners for *Ireland* to pay over to the said Lord Bishop of *Limerick* or his Successors the said Sum of One thousand Pounds so agreed to be granted as herein-before mentioned, to be applied by the said Lord Bishop of *Limerick* or his Successors towards discharging the Expences incurred in the Erection of said Church.

Ecclesiastical Commissioners may grant Lands, &c. as an additional Endowment, &c. of St. Michael's Church.

IX. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Ecclesiastical Commissioners for *Ireland* to grant any Lands, Tenements, or Property whatsoever, Real or Personal, vested in him or them, or any Sum of Money out of the Funds vested in the said Commissioners, for the Purchase of any Lands, Tenements, or Hereditaments as an additional Endowment for the said Parish Church of *Saint Michael*, and also for defraying the Expences of rebuilding, enlarging, or repairing the same Church; and that the said Ecclesiastical Commissioners may exercise all such Powers and Authorities in favour of the Perpetual Curate of the said Parish Church as they are empowered to do in favour of any Ecclesiastical Incumbent whatsoever by any Law now in being; and that all Laws and Statutes now in force in that Part of the United Kingdom called *Ireland* for and in relation to the Purchase, procuring, building, and improving any Glebe and Glebe Lands to be held, provided, and enjoyed by Ecclesiastical Incumbents shall be and are hereby enacted to extend to the Perpetual Curate for the Time being of the said Church of *Saint Michael*, and the Lands, Houses, and Improvements to belong to and to be made, erected, and procured by the Perpetual Curate thereof for the Time being: Provided always, that nothing herein contained shall extend or be construed to render the said Parish of *Saint Michael*, or any of the Parishioners or Inhabitants thereof, liable to be charged with the Payment of any Sum or Sums of Money under and by virtue of the Provisions of an Act passed in the Parliament of *Ireland* held in the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, intituled *An Act for Provision of Ministers in Cities and Corporate Towns, and making the Church of* Saint Andrew's *in the Suburbs of the City of* Dublin *presentative for ever*, or to any Charge in the Nature of Minister's Money, or to any other Ecclesiastical or Parochial Charge, or to any Payment or Charge whatsoever to which the said Parish or the Parishioners or Inhabitants thereof was not or were not subject before the passing of this Act; nor shall any thing in this Act entitle or authorize said Parish or the Parishioners or Inhabitants thereof to be exempt or discharged from the Payment of any Sum or Sums under said recited or any other Act, or any Charge in the Nature of Minister's Money, or any other Ecclesiastical or Parochial Charge, or any Payment or Charge whatsoever to which said Parish or the Parishioners or Inhabitants thereof was or were subject or liable before the passing of this Act; and this Act shall not be deemed or taken in any Manner to impose or create any Charge upon the said Parish or Parishioners, or to recognize or evidence the Existence of any such Charge, or to discharge said Parish or Parish-

17 & 18 C. 2. (I.)

Parishioners from any Charge, or to negative or disprove the Existence of any such Charge, but the Rights, Perquisites, Revenues, and Fees, Charges, and Emoluments of the said Archdeacon of *Limerick* and his Successors Rectors of the said Parish of *Saint Michael* shall be and continue in as full Force and Effect in respect of said Perpetual Curate and his Successors, and said Parish and the Parishioners and Inhabitants thereof, as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

Public Act. X. And be it enacted, That this Act shall be deemed and taken to be a Public Act.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. LXXXIX.

An Act to amend the Act for the Regulation of Municipal Corporations in *England* and *Wales*.

[24th *August* 1843.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Provisions were made for the Election of Corporate Officers in certain Boroughs, and for determining the Times and Manner of such Election; but the Provisions in the said Act have not in all Cases been duly complied with: And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend an Act for the Regulation of Municipal Corporations in* England *and* Wales, it was among other things declared, that after the passing of that Act every Application to the Court of Queen's Bench, for the Purpose of calling upon any Person to show by what Warrant he claims to exercise the Office of Mayor, Alderman, Councillor, or Burgess in any Borough, shall be made before the End of Twelve Calendar Months after the Election, or the Time when the Person against whom such Application shall be directed shall have become disqualified, and not at any subsequent Time: And whereas Doubts have arisen whether, notwithstanding the said last-mentioned Enactment, Applications in the Nature of Quo warranto may not still be successfully made against any Person holding the Office of Mayor on the Ground that such Mayor was not duly qualified to be so elected Mayor by reason of some Defect or Informality in his previous Election to the Office of Alderman or Councillor, although more than Twelve Calendar Months may have elapsed since such Election to the Office so alleged to have been informal or defective, and likewise against other Corporate Officers upon Grounds of the like Nature: And whereas also in certain Boroughs the Town Councils elected under the said recited Act omitted to

5 & 6 W. 4. c. 76.

1 Vict. c. 78.

appoint as therein directed who of the Aldermen first elected under that Act should go out of Office at the Expiration of the Term therein mentioned: And whereas also in some Boroughs, at the said First Election of Aldermen, after the passing of the said first-recited Act, less than the full Number required by the said Act were elected to such Office by reason of Equality of Votes as to some of the Persons nominated, and at^c the Second Election of Aldermen, under the Provisions of the said first-recited Act, other Aldermen were elected to supply and make up such Deficiency, but by Inadvertence, and under a Mistake of Law, a greater Number were elected to such Office than ought to have been so elected, and great Inconvenience, Vexation, and Expence have been incurred and sustained by reason of the Premises, insomuch that the Functions of the Corporate Bodies in such Boroughs have been and are in effect suspended; and it is expedient to provide a Remedy for such Mischief: And whereas the said first-recited Act requires further Amendments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

No Election of a Mayor in certain Boroughs to be called in question for Defect of Title unless by Quo warranto within 12 Months from the Election.

That no Election of any Mayor of any of the Boroughs named in Schedules (A.) and (B.) of the said first-recited Act, or in any Borough to which a Charter of Incorporation may have been or may be hereafter granted under the Provisions of that Act and of the secondly recited Act, or either of them, which has already taken place, or shall hereafter take place, shall be liable to be questioned by reason of a Defect in the Title of such Person to the Office of Alderman or Councillor to which he may have been previously elected, unless Application shall have been made to the Court of Queen's Bench, calling upon such Person to show Cause by what Warrant he claims to exercise such Office of Alderman or Councillor, within Twelve Calendar Months after such his Election to the said Office of Alderman or Councillor; and that from and after the passing of this Act every Election heretofore made, or hereafter to be made, to the Office of Mayor, Alderman, Councillor, or any other Corporate Officer, in any of the Boroughs aforesaid, which shall not be or have been called in question by such Application to the Court of Queen's Bench within Twelve Calendar Months from such Election, shall be deemed to have been to all Intents and Purposes a good and valid Election.

All Elections of Corporate Officers not so called in question to be deemed valid.

Provision where a greater Number of Persons shall have been elected or claim to be Aldermen of any Borough than is authorized by 5 & 6 W. 4. c. 76.

II. And be it enacted, That in any and every of the said Boroughs where a greater Number of Persons shall have been elected to and have taken upon themselves the Office of Alderman than is authorized by the said first-recited Act, or in which a greater Number than is authorized by the said first-recited Act shall claim to be Aldermen of the said Borough, the Council of such Borough shall, at the quarterly Meeting to be held on the Ninth Day of *November* next after the passing of this Act, before proceeding to the Election of the Mayor, or to any other Business, declare which of the said Persons so elected or claiming to be Aldermen, to the Number specified by the said first-recited Act, shall be the Aldermen of such Borough, and thereupon the Persons so declared shall be the Aldermen of such Borough, and the Person not included in the Number so declared shall from thence *ipso facto* cease to be Aldermen of the said Borough respectively, or to exercise any of the Functions of such Office.

Provision where no Declaration was made in the Year 1835 as to which of the Aldermen should first go out of Office.

III. And be it enacted, That in any and every Borough wherein it shall not have been declared by the Councillors thereof immediately after the First Election of Aldermen in the Year One thousand eight hundred and thirty-five who of the Aldermen so elected should go out of Office in the Year One thousand eight hundred and thirty-eight, and by reason of such Omission the Provisions of the said first-recited Act as to the Retirement and Election of Aldermen cannot be carried into effect, the Councillors of such Borough shall and may, at the said quarterly Meeting of the Council to be held on the Ninth Day of *November* next after the passing of this Act, declare and appoint who shall be the Aldermen who shall go out of Office on the Ninth Day of *November* in the Year One thousand eight hundred and forty-four, and the Persons so named shall be the Persons who shall then go out of Office accordingly.

Provision as to Proceedings already commenced.

IV. And be it enacted, That no Proceeding commenced before the passing of this Act and still pending in the Court of Queen's Bench against any Person claiming to be Mayor or Alderman of any of the aforesaid Boroughs upon any Ground which before the passing of this Act would have been sufficient to invalidate the Title of such Person, but which after the passing of this Act would not be sufficient for that Purpose, shall after the passing of this Act be further prosecuted: Provided always, that the Prosecutor or Relator shall be entitled to receive from the Defendant in every such Proceeding all such Costs, to be taxed as between Attorney and Client according to the Practice of such Court, as have been *bonâ fide* incurred by such Prosecutor or Relator in such Proceeding before the passing of this Act.

Provision for expediting certain Proceedings by way of Mandamus and Quo warranto.

V. And whereas it is expedient to render certain Proceedings, by way of Quo warranto and Mandamus, so far as they affect Corporate Offices in Boroughs, more summary and expeditious; be it therefore enacted, That from and after the passing of this Act, in all Cases of intended Application to the Court of Queen's Bench, either for a Mandamus to proceed to an Election of any Corporate Officer or Officers in any of the aforesaid Boroughs, or for an Information in the Nature of a Quo warranto against any Person claiming to be a Corporate Officer of and in any of the said Boroughs, it shall be lawful for the Party intending to make such Application to give Notice in Writing thereof to the Party to be affected thereby at any Time not less than Ten Days before the Day in the said Notice specified for making such Application, in which Notice shall be set forth the Name and Description of the Party by whom such Application will be made, together with a Statement of the Grounds thereof, and at the same Time to deliver with such Notice a Copy of the Affidavits whereby the Application will be supported; and thereupon it shall be lawful for the said last-mentioned Party to show Cause in the first instance against such Application; and if no sufficient Cause be shown it shall be lawful for the said Court of Queen's Bench, on Proof of the due Service of such Notice and Statement, and of the Delivery of a Copy of such Affidavits as may be used for the Purpose of supporting such Application, to make the Rule for such Mandamus or Information absolute, if the said Court shall so think fit in the first instance, and also, if they shall so think fit, to direct that any Writ of Mandamus thereby ordered to be issued shall be peremptory in the first instance; and also that the Venue in any Information

Information thereby ordered to be filed shall be laid in the County of *Middlesex*, or in the City of *London*, and that the Issue or Issues of Fact thereon, if any, shall be tried at the Sittings at Nisi Prius of the said Court at *Westminster*, or in *London*, by a Jury of the same County or City respectively.

Office of the Treasurer not to be subject to annual Election, but to be during the Pleasure of the Council.

VI. And whereas the Office of Treasurer of and for the aforesaid Boroughs is an Office of great Trust, and an annual Appointment to such Office is inconvenient and unnecessary; be it therefore enacted, That so much of the said herein-before first-recited Act as provides that the Council in every Borough shall in every Year appoint a fit Person to be Treasurer of such Borough shall be and the same is hereby repealed, and that the Council of every Borough shall, on the Ninth Day of *November* next after the passing of this Act, or on the Ninth Day of *November* next after such Borough shall be incorporated, appoint a fit Person, not being a Member of the Council, to be the Treasurer of such Borough, who shall thenceforth hold his Office during the Pleasure of the Council for the Time being; and on the happening of any Vacancy thereafter, by Death, Resignation, Amotion, or otherwise, the Council shall proceed to the Appointment of a Successor, either at any of the General Quarterly Meetings of the Council, or at a Special Meeting to be convened for that Purpose, so that in no Case such Appointment be delayed beyond Twenty-one Days from the happening of the Vacancy.

Provision for the Appointment of a Deputy Recorder in certain Cases.

VII. And whereas Inconvenience has arisen and may hereafter arise by reason that in the said first-recited Act no Provision is made for the holding of the Borough Sessions at the Time appointed, by public Notice for that Purpose, in case of the sudden Illness or unexpected and unavoidable Absence of the Recorder, on or immediately before the Day on which the Sessions for any Borough shall have been appointed to be held, or during the holding of such Sessions; and it is desirable to provide against such Inconvenience; be it therefore enacted, That so much of the said first-recited Act as provides, "that in case of Sickness or unavoidable Absence the Recorder of any Borough shall be empowered, under his Hand and Seal, with the Consent of the Council of the said Borough, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions then next ensuing, and no longer or otherwise," be and the same is hereby repealed.

In case of Sickness or Absence the Recorder may appoint a Deputy Recorder.

VIII. And be it enacted, That in case of Sickness or unavoidable Absence the Recorder of any Borough shall be and he is hereby empowered, under his Hand and Seal, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions then next ensuing or then being held, and not longer or otherwise: Provided nevertheless, that such Sessions shall not be deemed to have been illegally held, nor the Acts of any Deputy Recorder invalidated, by reason of the Cause of the Absence of the Recorder not being deemed to be unavoidable within the Meaning of this Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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retain Clerks or Apprentices in their Business as such, or as Attorneys and Notaries if so practising, and Persons serving them not disqualified.

who has been duly admitted, sworn, and enrolled a Public Notary in *England* may take, have, and retain any Clerk or Apprentice to serve him under the Provisions of the said recited Act or of this Act in the proper Business of a Public Notary, or if such Person is also an Attorney or Solicitor in any of the Courts of Law or Equity, or a Proctor in any Ecclesiastical Court in *England* or *Wales*, to serve him at the same Time in the general Business of a Notary as well as that of an Attorney, Solicitor, or Proctor; and that no Person who shall have regularly and duly served any such Public Notary, being also an Attorney, Solicitor, or Proctor, for the Time required by the said recited Act or this Act, and be otherwise entitled to be admitted a Public Notary, shall be prevented or disqualified from being so admitted a Public Notary by reason of his having also served a Clerkship to such Public Notary or his Partner as an Attorney, Solicitor, or Proctor during the same Time or any Part thereof.

No Public Notary to retain a Clerk or Apprentice, unless in actual Practice.

II. Provided always, and be it enacted, That no Public Notary may have and retain any such Clerk or Apprentice to serve him, under the Provisions of the said Act or of this Act, if he has been admitted, sworn, and enrolled a Public Notary for the Purpose only of carrying on any Business, or holding or exercising any Office or Appointment, and not as a general Practitioner; nor shall any Public Notary be allowed to have and retain such Clerk or Apprentice after he shall have discontinued or left off or during such Time as he shall not actually practise and carry on the Profession or Business of a Public Notary.

Persons serving Five Years to a Notary to be entitled to Admission as Notaries.

III. And whereas it is expedient to shorten the Period of the Service required by the said recited Act; be it therefore enacted, That from and after the passing of this Act, in case any Person shall have been or shall be bound by any Contract to serve and shall have actually served as a Clerk or Apprentice for the Term of Five Years any Public Notary as aforesaid, and shall have caused an Affidavit to be made and filed as to the due Execution of such Contract, and shall have complied with the other Provisions of the said recited Act, save as to the Length of Service, then and in such Case every such Person shall be qualified and entitled to be sworn, admitted, and enrolled a Public Notary to practise in *England*, as fully and effectually as any Person having been bound and having served Seven Years as required by the said recited Act would be qualified and entitled to be sworn, admitted, and enrolled a Public Notary under and by virtue of the said recited Act: Provided always, that no Person shall be entitled to be admitted and enrolled a Public Notary at the Expiration of the Term of Five Years, if bound for a longer Time, without the Consent in Writing of the Public Notary, if living, to whom he shall have been so bound being first obtained and produced at the Time of his Admission, and filed with the other Papers relating thereto; and provided also, that in case the Affidavit required by the said recited Act as to the Execution of any Contract be not filed within the Time required by the said Act, the same may be filed by the proper Officer after the Expiration thereof, but the Service of such Clerk shall be reckoned to commence and be computed from the Day of filing such Affidavit, unless the Master of the Faculties shall otherwise order; and such Service shall be as effectual, and the Public Notary and Clerk shall be equally bound for and during the Term, reckoning as aforesaid, as if such Term had been originally intended and mentioned in the Contract.

Proviso as to Consent of Notary if bound for a longer Time.

If Affidavit as to Execution of Contract be not filed within Time required, the Service to reckon from the Day of filing, unless otherwise ordered.

IV. And

Master of the Faculties may require Testimonials of Ability, &c.

IV. And be it enacted, That the Master of the Faculties for the Time being may make any general Rule or Rules requiring Testimonials, Certificates, or Proofs as to the Character, Integrity, Ability, and Competency of any Person who shall hereafter apply for Admission or Re-admission as a Public Notary to practise either in *England* or in any of Her Majesty's Foreign Territories, Colonies, Settlements, Dominions, Forts, Factories, or Possessions, whether such Person shall have served a Clerkship or not, and from Time to Time alter and vary such Rules as to the Master of the Faculties shall seem meet, and may admit or reject any Person so applying, at his Discretion, any Law, Custom, Usage, or Prescription to the contrary notwithstanding.

Appeal.

V. Provided always, and be it enacted, That if the Master of the Faculties shall refuse to grant any Faculty to practise as a Public Notary to any Person without just and reasonable Cause, then the Chancellor of *England* or the Lord Keeper of the Great Seal for the Time being, upon Complaint thereof being made, shall direct the Queen's Writ to the said Master of the Faculties to the Effect and shall proceed thereon according to the Intent and Meaning of the Act of Parliament of the Twenty-fifth Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning Peter-pence and Dispensations*, and in Manner and Form as is therein provided and set forth in case of the Refusal of any Licences, Dispensations, Faculties, Instruments, or other Writings, as fully and effectually, and with the same Powers and Authority, as if the same were here inserted and re-enacted. 25 H. 8. c. 21.

Saving the Rights of Scriveners Company.

VI. Provided always, and be it enacted, That nothing herein contained nor any Service under this Act shall authorize any Person to be admitted a Public Notary to practise within the Jurisdiction of the incorporated Company of Scriveners of *London*.

Oath on Admission of Notary.

VII. And be it enacted, That from and after the passing of this Act every Person to be admitted and enrolled a Public Notary shall, before a Faculty is granted to him authorizing him to practise as such, in addition to the Oaths of Allegiance and Supremacy, make Oath before the said Master of the Faculties, his Surrogate or other proper Officer, in Substance and to the Effect following:

'I *A.B.* do swear, That I will faithfully exercise the Office of a 'Public Notary; I will faithfully make Contracts or Instruments 'for or between any Party or Parties requiring the same, and I will 'not add or diminish any thing without the Knowledge and Consent 'of such Party or Parties that may alter the Substance of the Fact; 'I will not make or attest any Act, Contract, or Instrument in which 'I shall know there is Violence or Fraud; and in all Things I will act 'uprightly and justly in the Business of a Public Notary, according 'to the best of my Skill and Ability. So help me GOD.'

And that such Oath shall be received and taken instead of the Oath of Office now in use on the Admission of a Notary Public, which Oath shall from and after the passing of this Act be wholly discontinued: Provided always, that in such Cases where by any Act an Affirmation or Declaration is allowed to be received instead of an Oath, or any Form of Oath or Declaration substituted instead of the Oaths of Allegiance and Supremacy, the said Master of the Faculties, his Surrogate or other proper Officer, is hereby authorized and empowered to receive a Declaration or Affirmation instead of any Oath required by this Act, or such Form of Oath or Declaration instead of the

the Oaths of Allegiance or Supremacy as by any Act of Parliament is authorized and allowed.

Oaths, &c. may be taken by Commission.

VIII. And be it enacted, That the Master of the Faculties for the Time being, or his Surrogate, shall and he is hereby authorized and empowered to issue Commissions to take any Oaths, Affidavits, Affirmations, or Declarations required by Law to be taken before the Grant of any Faculty, Marriage Licence, or other Instrument issuing from the said Office of Faculties; and that all Oaths, Affidavits, Affirmations, or Declarations taken before the Commissioner so appointed, and the Faculty, Marriage Licence, or other Instrument granted in pursuance thereof, shall be as valid and effectual as if such Oath, Affidavit, Affirmation, or Declaration was taken before the said Master or his Surrogate, any thing in any Act or Law to the contrary thereof notwithstanding.

Application to strike a Notary off the Roll for Defect in Articles, &c. to be made within 12 Months.

IX. And be it enacted, That no Person who has been admitted and enrolled a Public Notary shall be liable to be struck off the Rolls for or on account of any Defect in the Articles of Clerkship, or in the Registry thereof, or in his Service under such Articles, or in his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment; provided that such Articles, Registration, Service, Admission, or Enrolment be without Fraud.

Persons practising as Notaries not being duly authorized to forfeit 50*l.*

X. And be it enacted, That from and after the passing of this Act, in case any Person shall, in his own Name or in the Name of any other Person, make, do, act, exercise, or execute or perform, any Act, Matter, or Thing whatsoever of or in anywise appertaining or belonging to the Office, Function, or Practice of a Public Notary, for or in expectation of any Gain, Fee, or Reward, without being able to prove, if required, that he is duly authorized so to do, every such Person for every such Offence shall forfeit and pay the Sum of Fifty Pounds, to be sued for and recovered by Action of Debt, Plaint, or Information in any of Her Majesty's Superior Courts of Record at *Westminster*, or if the Cause of Action shall have arisen in any Colony or Place to Her Majesty belonging out of *England*, then in the Supreme Court of Law of such Colony or Place, provided the Action for the Recovery thereof shall be commenced within Twelve Months next after the Fact committed; and that, save so far as they are altered or repealed, or repugnant to the Provisions of this Act, the like Remedies for recovering thereof, and all other the Rules, Directions, Powers, and Provisions contained in the said recited Act, and also in the Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act of the Forty-first Year of His Majesty King* George *the Third, for the better Regulation of Public Notaries in* England, shall and may severally and respectively attach and be in force as fully and effectually as if the said Penalties were imposed, or the said Remedies were given, or the same Powers, Rules, Directions, and Provisions were particularly enacted in or by this Act, or repealed and re-enacted.

Like Forfeitures and Provisions as in former Act, and all the Powers thereof, and of 3 & 4 W. 4. c. 70., not hereby varied, to be in force as if re-enacted.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XCI.

An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*. [24th *August* 1843.]

WHEREAS it is expedient to consolidate and amend the Laws relating to Loan Societies in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Acts herein-after mentioned shall be and the same are hereby repealed, save as herein-after otherwise provided; (that is to say,) an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Amendment of the Laws respecting Charitable Loan Societies in* Ireland; an Act passed in the Tenth Year of the same Reign, intituled *An Act to amend an Act of the Fourth Year of His present Majesty, for the Amendment of the Laws respecting Charitable Loan Societies in* Ireland; an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Loan Societies in* Ireland; and an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Amendment*

Recited Acts repealed, save as herein-after provided.

4 G. 4. c. 32.

10 G. 4. c. 42.

6 & 7 W. 4. c. 55.

1 & 2 Vict. c. 78.

ment of the Laws relating to Loan Societies in Ireland: Provided always, that nothing in this Act contained shall extend to repeal any of the said recited Acts, so far as they or any of them repeal any former Act or Acts, or so far as respects any Act, Matter, or Thing heretofore done under or by virtue of the said recited Acts; and provided further, that as respects all Societies heretofore established and duly certified under the Authority of the said Acts or any of them, so many and such Parts of the said recited Acts as were in force immediately before the passing of this Act shall remain in full Force and Effect until the Thirty-first Day of *December* next after the passing of this Act, unless the Rules of such Societies respectively shall be certified under this Act previously.

Loan Fund Board established for the Superintendence of all Loan Societies and Charitable Pawn Offices in Ireland. Constitution of the Board. Quorum.

II. And be it enacted, That for the general Control and Superintendence of all Charitable Loan Societies and Charitable Pawn or Deposit Offices established or to be established in *Ireland* under the Authority of the said recited Acts or this Act there shall be a Board in *Dublin*, to be denominated "The Loan Fund Board," which Board shall consist of such Persons as at present constitute the Loan Fund Board established under the Authority of the said recited Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, and of such other Person as shall from Time to Time be appointed a Member of the said Board by the Lord Lieutenant of *Ireland*; and at any Meeting of the said Board, duly convened, Three Members shall be competent to do and execute all Acts which the said Board are hereby enabled to do and execute.

Lord Lieutenant may remove Members from Board; may appoint and remove Secretary, &c.

III. And be it enacted, That it shall and may be lawful for the said Lord Lieutenant of *Ireland*, at his Will and Pleasure, to remove from the said Board any Member thereof; and it shall and may be lawful for the said Lord Lieutenant from Time to Time to appoint a Secretary, Inspector, and such other Clerk, Officer, or Servant as shall be necessary for the Business of the said Board, and to remove such Secretary, Inspector, or other Clerk, Officer, or Servant, as he shall think fit.

The said Board empowered to superintend all Loan Societies, &c. in Ireland.

IV. And be it enacted, That the said Loan Fund Board shall have Power to inquire into the Proceedings of all Loan Societies and Charitable Pawn or Deposit Offices, established or to be established in *Ireland* under the Authority of the said recited Acts or this Act, in order to ascertain whether their Rules have been duly certified and enrolled, and have been and are duly observed and attended to, and whether their Funds are applied to the Purposes for which the same are intended; and may pay to their Secretary, and to any Inspector or other Officers, Clerks, or Servants appointed as aforesaid, such Salaries or other Remuneration or retiring Allowance as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, may from Time to Time direct, and also pay such further Sum or Sums as may be necessary to defray the incidental Expences which shall be incurred in carrying into execution the Purposes of this Act: Provided always, that such Expenditure for incidental Expences shall not in the whole in any One Year exceed such Sum as the Commissioners of Her

Majesty's Treasury, or any Three or more of them, shall from Time to Time in that Behalf limit and direct.

Funds appropriated to the Use of the Loan Fund Board to be paid into the Bank of Ireland, to the Credit of Loan Fund Board.

V. And be it enacted, That all Sums of Money payable to the said Loan Fund Board under this Act, or which may at any Time or Times hereafter be appropriated to the Use of the said Loan Fund Board, either by public Grant or private Donations or Bequest, or otherwise, shall be paid into the Hands of the Governor and Company of the Bank of *Ireland*, and shall be placed to an Account in the Books of the said Governor and Company, to be intituled "The Loan Fund Board Account;" and the Receipt of the Cashier of the said Bank for any Sum or Sums of Money paid into the same, and which the said Cashier is hereby required to give, shall be a sufficient Acquittance and Discharge to the Person or Persons by whom the same shall have been so paid.

No Part of the Funds to be paid out, except upon Drafts signed by Three Members of the Board, &c.

VI. And be it enacted, That no Monies shall be paid out of the Funds accruing in the said Account to the Credit of the said Loan Fund Board, except upon Drafts signed by at least Three Members, and countersigned by the Secretary of the said Board for the Time being, and in each of which Drafts shall be specified the Purpose to which the Sum for which the same has been drawn is intended to be applied; and no such Draft shall be signed or countersigned as aforesaid except at the first Meeting held in each Month by the said Board, or at some other Meeting, of which at least Fourteen Days Notice in Writing shall be given to each Member of the Board, in which Notice the Object of such Meeting shall be specially stated.

Board to transmit an annual Report to Parliament.

VII. And be it enacted, That the said Loan Fund Board shall, on or before the Thirty-first Day of *March* in every Year, cause a Report of their own Proceedings, and also of the Proceedings of the several Loan Societies under their Control and Superintendence, during the Year ending on the Thirty-first Day of *December* then next preceding, to be prepared, which Report shall contain an Account of all Monies and Funds which shall have come to the Hands or been placed to the Credit of the said Board, either from public or private Sources, during the Year to which such Report shall relate, and shall specify the particular Sources of Revenue from which such Monies and Funds shall have arisen, and an Account of all and every the Monies expended or lent by the said Board during the said Year, and for what Purposes, and upon what Account respectively, and showing the Balance then standing to the Credit of the said Board, and the Amount of Loans from the said Board outstanding; and such annual Report shall be signed by at least Five Members present at such Board, and countersigned by the Secretary, and be laid before both Houses of Parliament within One Month after the same shall have been prepared, if Parliament shall be then sitting, or within One Month after the Commencement of the then next Session.

Board to sue and be sued in the Name of their Secretary.

VIII. And be it enacted, That all Actions, Suits, and Proceedings whatsoever at Law or in Equity touching or concerning any Loan, Contract, or Agreement, or other Matter or Thing, to be made, done, or entered into by or with the said Loan Fund Board, or which the said

said Loan Fund Board is by this Act authorized to institute, or by or with the Secretary thereof, in his Capacity as such Secretary, shall and may be instituted, carried on, and defended in the Name of the Secretary of the said Board for the Time being, for or on behalf of the said Board; and all such Actions, Suits, and Proceedings in any Court of Law or Equity, in the Name of such Secretary, shall be as good and effectual to all Intents and Purposes as if such Actions, Suits, and Proceedings had been commenced, prosecuted, carried on, or defended in the Name of the said Board, or any Member or all the Members of the same; and in case such Secretary shall happen to die, or be removed from his Office, whilst any such Action, Suit, or Proceeding shall be depending, then and in such Case such Action, Suit, or Proceeding shall not abate by the Death or Removal of such Secretary, but shall be carried on or defended in the Name of the succeeding Secretary, and shall stand to all Intents and Purposes in the same State and Condition as it was immediately before the Death or Removal of such former Secretary; and it shall and may be lawful for the Secretary of the said Board for the Time being to sue and recover, for the Use of the said Board, upon any Bond or other Security executed or passed to or Contract made with the Secretary of the Board for the Time being, notwithstanding any Change or Changes which may have taken place in the Person by whom the said Office of Secretary may be filled.

Loan Societies and Charitable PawnOffices may be established, subject to the Regulations provided by this Act.

IX. And be it enacted, That it shall and may be lawful to and for any Number of Persons in *Ireland*, subject to the Restrictions and Regulations herein-after provided, to form themselves into a Society in *Ireland* in any District or Place in which it shall be proved to the Satisfaction of the said Loan Fund Board that such Society is required, and such Society shall and may raise from Time to Time by Loans from the Members of such Society, or from other Persons, at a Rate of Interest not exceeding Five Pounds *per Centum per Annum*, or by Donations, a Stock or Fund for the Purpose of granting Loans to the industrious Classes resident therein, and receiving Repayment of the same by Instalments, with Interest as herein-after provided; and it shall be in like Manner lawful for any Number of Persons in *Ireland*, subject to the Restrictions and Regulations herein-after provided, to form themselves into a Society for the Purpose of establishing or maintaining a Charitable Pawn or Deposit Office or Offices in *Ireland*, at which Money may be lent to the industrious Classes resident therein upon Pledges or Deposits, at such Rate of Interest, not exceeding the Rate of Interest which now is or may be hereafter legally chargeable by Pawnbrokers in *Ireland*, as the said Loan Fund Board may from Time to Time appoint; and it shall and may be lawful for the Members of every such Society from Time to Time to make, subject to the Restrictions herein-after contained, Rules for the better Government and Guidance of the same, and for defining the District, by Townlands or otherwise, within which the Operations of the Society ought to be conducted, and for fixing the Charges for Application Papers, Instalments, Cards, and Duplicates, and for the Imposition of Fines upon the several Persons obtaining Loans from the Funds of any such Society, and the Officers and Members thereof, offending against or violating such Rules, and also from Time

Such Societies empowered to make Rules, &c. subject to the Restrictions herein-after mentioned.

Time to Time to alter and amend such Rules as Occasion shall require, or to annul and repeal the same, and to make new Rules in lieu thereof, so as such Rules shall not be repugnant to the Laws of this Realm, nor to any of the express Provisions or Regulations of this Act.

Three Transcripts of the Rules to be transmitted to the Loan Fund Board, and, if approved, to be submitted to the Barrister appointed to ascertain their Conformity to Law, &c.

X. And be it enacted, That Three Transcripts, fairly written or printed on Paper or Parchment, of all Rules, or of any Alteration or Amendment thereof, made in pursuance of this Act, signed by at least Three Members of such Society, shall be transmitted to the said Loan Fund Board for their Consideration; and in case the said Board shall approve of any such Rules, Amendments, or Alterations as shall be so transmitted to them as aforesaid, they shall cause the same to be submitted to such Barrister as shall from Time to Time be appointed by the said Board established under the Authority of this Act (which Barrister the said Board is hereby authorized and required to appoint), for the Purpose of ascertaining whether the said Rules of such Society, or such Alterations or Amendments thereof, as shall be so submitted to him, are in conformity to Law and to the Provisions of this Act.

Rules if disapproved by Loan Fund Board to be void; but Appeal may be made to Lord Lieutenant and Council.

XI. And be it enacted, That in case the said Loan Fund Board shall disapprove of any Rule made by any Loan Society, and submitted to them as aforesaid, or of any Alteration or Amendment of any such Rule, such Rule, or Amendment or Alteration thereof, shall be null and void: Provided always, that in every such Case it shall be lawful for such Society, or for the Persons desiring to form any such intended Society, within One Calendar Month after Notice shall be given to them of such Decision of the said Board as aforesaid, to appeal against such Decision to the Lord Lieutenant of *Ireland* and Her Majesty's Privy Council there, who shall have Power and Authority on such Appeal to approve or disapprove of such Rule, or Amendment or Alteration thereof; and if they shall disapprove thereof, then and in such Case the same shall be null and void to all Intents and Purposes; but if they shall approve thereof, then and in such Case the said Loan Fund Board shall submit the same to such Barrister as aforesaid, for the Purpose aforesaid, in like Manner as herein-before directed in the Case of Rules approved of by such Loan Fund Board.

Barrister to certify if Rules are in conformity to Law, or state in what Parts they are repugnant thereto.

Fee payable to Barrister not to exceed One Guinea.

XII. And be it enacted, That the said Barrister to whom any such Rule, Amendment or Alteration thereof, shall be transmitted shall, if required, advise with the said Loan Fund Board on the Subject of such Rule, and shall give a Certificate that such Rules, Alteration or Amendment, so submitted to him as aforesaid, is in conformity to Law and to the Provisions of this Act, or shall point out in what Part the same are repugnant thereto, and state, in Writing, on what Grounds and for what Reasons they are so repugnant, and how and in what Manner they can be made conformable thereto; and the Fee payable to such Barrister for advising as aforesaid, and perusing the Rules, or Alterations or Amendments of the Rules, of each respective Society, and giving such Certificate as aforesaid, and stating such Grounds or Reasons, or suggesting such Alterations as aforesaid,

shall not at One Time exceed the Sum of One Guinea, which, together with the Expence of conveying the Rules to and from the said Loan Fund Board, shall be defrayed by each Society respectively: Provided always, that the said Barrister shall be entitled to no further Fee for or in respect of any Alteration or Amendment of any Rules upon which One Fee has been already paid to the Barrister within the Period of Three Years, or for the Rules of any Societies at present under the Loan Fund Board which it may be necessary to certify within Six Months after the passing of this Act.

Barrister not entitled to further Fee within Three Years in respect of Alterations in the same Rules.

When Rules are certified by the Barrister the Secretary to annex to each Transcript a Certificate of Approval.

Disposal of such Transcripts.

XIII. And be it enacted, That if the said Rules, or such Alterations or Amendments as aforesaid, shall have been certified by the said Barrister to be in conformity to Law and the Provisions of this Act, the Secretary of the said Loan Fund Board shall thereupon annex to or write upon each of the said Three Transcripts so transmitted as aforesaid a Certificate to the Effect that the said Rules, or such Alterations or Amendments as aforesaid, have been approved by the said Loan Fund Board, or by the Lord Lieutenant, as the Case may be, and duly certified by the Barrister appointed in that Behalf as aforesaid; and one of such Transcripts, when certified by the Secretary of the Loan Fund Board as aforesaid, shall be returned to the Society, and another of such Transcripts so certified as aforesaid shall be retained by the said Secretary for the Use of the said Loan Fund Board, and the other of such Transcripts shall be transmitted by the said Secretary to the Clerk of the Peace of the County wherein such Society shall have been formed or shall be proposed to be formed, and shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, without Fee or Reward.

Rules when so certified to be in force from the Receipt thereof.

XIV. And be it enacted, That all Rules, and Alterations and Amendments of Rules, which shall be so certified as aforesaid by the Secretary of the said Loan Fund Board, shall, immediately after they have been so certified and transmitted as aforesaid, but not before, be binding on the several Members and Officers of the said Society, and all Persons borrowing Money therefrom, and all other Persons having an Interest therein; and it shall and may be lawful for every Loan Society to commence Operations immediately on receiving the Transcript of their Rules so certified, but not before; and all such Rules, Alterations and Amendments of Rules, shall on Receipt thereof be printed by such Loan Society, and One Copy shall be posted in the Office of the said Society, and One Copy lodged with the Clerk of each Petty Sessions in the District within which the Operations of such Society are to be conducted.

Form of Certificate.

Certified Rules proved by Production of the Transcript, with Certificate annexed.

XV. And be it enacted, That the Certificate so to be given by the Secretary of the said Loan Fund Board shall be in the Form Number 1. in the Schedule (A.) to this Act annexed, or to the like Effect; and that in any Proceeding which may be had for the Recovery of any Money lent by any Loan Society, or any other Proceeding, Civil or Criminal, or of what Kind or Nature whatsoever, the Production of a Transcript of the Rules of such Society, with such a Certificate as aforesaid written thereon or annexed thereto signed or purporting to be signed by the Secretary of the Loan Fund

Board, shall be conclusive Evidence of such Rules, and of the same having been duly approved and certified, and that such Society has been duly established, and is entitled to all the Benefits of this Act, and of all other Acts which shall be then in force relating to Loan Societies in *Ireland*.

Loan Societies may appoint Officers and Servants.

XVI. And be it enacted, That it shall and may be lawful for every Loan Society whose Rules shall have been so certified by the Secretary of the said Loan Fund Board, or for any Committee appointed and authorized by such Society in that Behalf, to elect and appoint such Persons into the Offices of Trustee, Manager, Treasurer, Secretary, Clerk, Messenger, or other Officer or Servant, as they shall think proper and necessary to carry into execution the Purposes of such Society, and from Time to Time to remove such Persons, or any of them, from their respective Offices or Employments, and to elect and appoint others in the Room of those who shall be so removed or who shall by Death or otherwise vacate such Offices or Employments, provided that it shall not be lawful to appoint any Clerk of Petty Sessions to any such Office or Employment; and it shall and may be lawful for such Society or Committee, subject to the Restrictions in this Act mentioned, to appoint the Amount of Salaries or Remuneration to be paid to such Officers or Servants as shall not, under the Provisions herein contained, be prohibited from receiving the same.

Societies to ascertain the Amount of the Salaries payable to their Servants, and to limit their Expences.

Loan Fund Board may reduce prospectively the Amount of the Salaries and other Expences of such Societies.

XVII. And be it enacted, That it shall not be lawful for any such Society as aforesaid to pay to any Clerk, Officer, or Servant of such Society any Salary or other Allowance, unless the Amount or Maximum thereof shall have been ascertained by the Rules of such Society, nor to incur any Expence, unless such as shall be expressly provided for by the Rules of the Society, or shall be necessary for the due Management thereof according to such Rules; and it shall and may be lawful for the Loan Fund Board constituted under this Act, from Time to Time as often as they shall judge it expedient so to do, to reduce prospectively the Amount of any such Salary or Allowance, and likewise to reduce all and every or any other Expence to be incurred by any such Society in the Management thereof, for House Rent, Stationery, or otherwise; and after such Reduction shall have been notified to such Society, it shall not be lawful for them to exceed in their Payments the Amount of the Sums so reduced; and in case the Treasurer or any other Officer or Officers of any Loan Society shall pay or disburse any Sum or Sums of Money contrary to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum of Money equal in Amount to the Sum or Sums so illegally paid or disbursed by him as aforesaid, and in addition thereto a Sum not exceeding Five Pounds, to be recovered as herein-after mentioned; and in case any such illegal Payment as aforesaid shall have been made to any Clerk or other Officer or Servant of such Loan Society it shall and may be lawful for the said Loan Fund Board, in the Name of their Secretary, to sue for and recover from the Clerk or other Officer or Servant of such Society by whom the same shall have been received the Amount of the Sum or Sums which shall have been so illegally paid, together with Costs of Suit.

XVIII. And

Property of Loan Societies vested in the Trustees for the Time being.

XVIII. And be it enacted, That all Monies, Goods, Chattels, Effects, and Property whatsoever belonging to such Society shall be vested in the Trustee or Trustees of such Society for the Time being, for the Use and Benefit of such Society and the respective Members thereof, their respective Executors and Administrators, according to their respective Claims and Interest, and in case of the Death, Resignation, or Removal of any Trustee or Trustees shall vest in the surviving or succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such Proceeding (where necessary) be stated to be, the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Society for the Time being, in his or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property or Right of Claim aforesaid of such Society, and to sue and be sued, plead and be impleaded, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of such Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

On Failure of Trustees of a Society and in default of Appointment of new Trustees, the Property to vest in the Secretary of Loan Fund Board, in Trust to pay all Debts, &c.

XIX. And be it enacted, That in case all the Trustees of any Loan Society shall be removed by Death or otherwise from their Trust, and no new Trustee or Trustees shall be appointed in their Place, then and in every such Case, and so often as the same shall happen, all and every the Monies, Goods, Chattels, Effects, and Property whatsoever of the said Society shall vest in the Secretary of the said Loan Fund Board for the Time being, in Trust to apply the same, under the Direction of the said Board, to discharge all outstanding Debts and Demands due by such Society, and to dispose of the Residue of such Property to and for such Purposes in furtherance of the Objects of this Act and in such Manner as the said Loan Fund Board shall direct.

No Manager or Trustee to receive Remuneration.

XX. And be it enacted, That it shall not be lawful for any Person, being a Trustee, Treasurer, Honorary Secretary, Director, Member of the Managing Committee of any such Society, or having any Control in the Direction or Management thereof, to receive, directly or indirectly, any Salary or other Remuneration for Attendance or any other

other Services performed for such Society; and no salaried Clerk or other paid Officer or Servant of such Society shall be a Member of its Committee of Management, or in anywise act or vote in the Direction of its Affairs.

Treasurer and other Officers of Loan Societies to give Security as directed by Loan Fund Board.

XXI. And be it enacted, That every Treasurer or other Officer or Officers, or other Person whatsoever, who is or shall be intrusted with the Receipt or Custody of any Sum or Sums of Money belonging or lent to any Loan Society, and every other Officer or Servant of any Loan Society, shall, when thereunto required by the said Loan Fund Board, become bound, with sufficient Sureties, for the just and faithful Execution of such Office or Trust, and the Performance of the Duties by the Rules of such Society or by this Act imposed upon him, in such Sum or Sums of Money as to the said Board shall seem reasonable and proper, and such Security shall and may be given by Bond or Bonds in the Form Number 5. in Schedule (A.) to this Act annexed, or to the like Effect, to the Secretary of the Loan Fund Board for the Time being; and in case of Forfeiture it shall be lawful for the said Loan Fund Board, or for the Society for whose Security such Bond or Bonds shall have been given, or for the Trustees or Managers thereof, to sue upon such Bond or Bonds in the Name of the Secretary of the said Loan Fund Board for the Time being, and to carry on such Suit at the Costs and Charges of and for the Use of the said Society, fully indemnifying and saving harmless such Secretary of the Loan Fund Board from all Costs and Charges of such Suit or Suits, or in respect thereof; and in case it shall appear to the said Loan Fund Board in any Instance that the Security so found is insufficient, either as regards the Solvency of the Sureties, or the Amount of the Security, or otherwise, then and in every such Case, and from Time to Time so often as the same shall happen, it shall be lawful for the said Loan Fund Board to require that increased or better Security be found; and in case any Society shall refuse or neglect to comply with such Requisition of the said Board within such Period as the said Board shall appoint in that Behalf, it shall be lawful for the said Board to withdraw their Certificate from the said Society, and to proceed with regard to the same in like Manner as the said Board is hereby authorized to proceed with regard to any Society which may have violated the Provisions of this Act.

Loan Fund Board may sue upon existing Securities in the Name of the Clerk of the Peace.

XXII. And be it enacted, That where the Treasurer or other Officer or Officers of any Loan Society now established shall have given Security by any Bond or Bonds to any Clerk of the Peace, under the Authority of the said recited Acts of the Sixth and Seventh Years of the Reign of King *William* the Fourth, and First and Second Years of the Reign of Queen *Victoria*, or either of them, such Clerk of the Peace shall, on being required so to do, transmit such Bond or Bonds to the said Loan Fund Board; and it shall and may be lawful for the said Loan Fund Board, or for any Society for whose Security any such Bond or Bonds shall have been given, or for the Trustees or Managers of any such Society, to sue upon such Bond or Bonds in case of the Forfeiture thereof, in the Name of such Clerk of the Peace, in like Manner as the Trustees of such Society are by said recited Acts authorized to sue thereon; nevertheless it shall be lawful

for the said Loan Fund Board, in such Cases as they may deem expedient, to require that new Securities shall be perfected by a Bond or Bonds to be executed to the Secretary of the said Board in the Manner directed by this Act, and thereupon such new Securities shall be perfected accordingly.

Officers of a Loan Society refusing to account either with the Society or with Loan Fund Board, and pay over Money in their Hands, subject to a Penalty.

XXIII. And be it enacted, That if any Officer, Clerk, or Servant of any Loan Society established or acting under this Act shall refuse or neglect, when thereunto required, to account with such Society, or any Committee thereof, or other Person or Persons who shall be authorized by such Society to require such Account, or with the Secretary or any other duly authorized Officer of the said Loan Fund Board, for any Money or other Property of such Loan Society which shall have been received by him, or shall refuse or neglect, when thereunto required, to pay or deliver to such Society, or to such Person or Persons as shall be authorized by such Society to receive the same, any Money or other Property of such Society which then shall be or ought to be in his Possession or Power, every such Officer, Clerk, or Servant of such Loan Society so offending as aforesaid shall for every such Offence be liable to pay a Sum o Money equal in Amount to the Money or the Value of the Property (if any) so wrongfully detained by him, and in addition thereto a further Sum not exceeding the Sum of Five Pounds, to be recovered in manner herein-after mentioned.

Amount of Loan not to exceed 10*l*.

XXIV. And be it enacted, That it shall not be lawful to and for any such Society to make any Loan on personal Security to any One Individual at any One Time exceeding in Amount the Sum of Ten Pounds; and that no second or other Loan shall be made to the same Individual, or to any Person on his Behalf or for his Use, until the previous Loan shall have been repaid.

Note for securing Repayment of Loan shall be in Form given in Schedule to this Act, and shall be supplied by Loan Fund Board.

XXV. And be it enacted, That every Note or Security to be taken by any Loan Society established under the Provisions of this Act for the Repayment of any Loan granted by any such Society shall be in the Form Number 2. in Schedule (A.) hereunto annexed, or to the like Effect, and blank Forms for such Note shall be supplied by the said Loan Fund Board as herein-after provided; and that no Proceedings shall be had or Order made for the Recovery of any Loan Fines or Interest under this Act, save and except where the Note or Security for such Loan shall be in the Form and on the Paper supplied by the said Board.

No Loan Fund Note, or Bond, or Security chargeable with Stamp Duty.

XXVI. And be it enacted, That no Note or Security for the Repayment of any Loan made by any Society established or acting under the Provisions of this Act, nor any Receipt or Entry in any Book of Receipt for Money lent or paid, nor any Debenture or Transfer, or Draft or Order, nor any Appointment of any Agent, nor any Bond nor Security, nor other Instrument or Document whatever, required or authorized to be given, issued, made, or provided in pursuance of the Rules of any such Society or of this Act shall be subject to or chargeable with any Stamp Duty whatsoever.

XXVII. And

Rate of Interest payable on Loans.

XXVII. And be it enacted, That it shall and may be lawful to and for the Trustees or Managers of any Society established or acting under the Provisions of this Act to demand and receive from the Person to whom any Loan may be made, at the Time of making the same, or to retain as Discount for the same, the full Amount of Interest up to the Time fixed for Payment of the last Instalment which would be due on the whole Money so advanced, at a Rate not exceeding Four-pence in the Pound for Twenty Weeks, and to receive the Amount of the Principal by Instalments at such Time or Times and in such Proportion or Proportions as the said Trustees or Managers may think fit, and to take a Note or Security for the whole Amount of the Loan, the same to be sued for and recovered immediately on Failure of the Payment of any of the Instalments, without being subject or liable on account thereof to any of the Forfeitures or Penalties imposed by any Act or Acts relating to Usury.

Loan Fund Board may authorize any Loan Society to advance any Portion of their Funds.

XXVIII. And be it enacted, That it shall be lawful for the said Loan Fund Board, if they shall see fit, to authorize any Loan Society to advance any Portion of their Funds, such Portion to be limited by the said Board, in Loans not exceeding Ten Pounds, at a Rate of Interest not exceeding One Penny Halfpenny *per* Month upon each Pound Sterling so advanced; provided that there be an Interval of not less than Twenty-seven Days between the Time of issuing such Loan and the Payment of the first Instalment, and a similar Period at the least between each other Payment; and such Society shall make a separate Report of such Loans to the said Loan Fund Board.

Trustees to receive Interest on Loans for a limited Time.

XXIX. And whereas by the said Act of the Sixth and Seventh Year of His late Majesty King *William* the Fourth it was enacted, that it shall be lawful for the Trustees or Managers of any Loan Society established under the said Act to demand and receive from any Person to whom any Loan should be made a Rate of Interest not exceeding Sixpence in the Pound for Twenty Weeks; and it is inexpedient that such Rate of Interest should be suddenly discontinued; be it enacted, That it shall be lawful for the Trustees or Managers of any Loan Society now established by Law, and acting under this Act, to take and receive from the Person to whom any Loan may be made a Rate of Interest, not exceeding Sixpence in the Pound for Twenty Weeks, upon such Loan until the Expiration of Three Months from the Thirty-first Day of *December* One thousand eight hundred and forty-three, but not longer, any thing herein contained to the contrary in anywise notwithstanding.

Notes to be made payable to Treasurer or Secretary for the Time being.

Recovery of Loan before Justices of Peace.

XXX. And be it enacted, That all Notes and Securities entered into for the Payment of such Loans shall be made payable to the Treasurer or Secretary for the Time being of the said Society; and if the Party or Parties liable to pay the same shall fail in the Payment thereof, or of any of the Instalments as agreed to by the Terms or Conditions of the Loan, according to the Rules of the Society, it shall and may be lawful for any One of Her Majesty's Justices of the Peace having Jurisdiction in the County, Riding, City, Division, or Place where such Party or Parties or any one of them so liable shall or may happen to be or reside, or where the Office of such Society is situated, and

and such Justice is hereby required, upon Complaint made by or on behalf of such Treasurer or Secretary as aforesaid, to summon the Person or Persons against whom such Complaint shall be made, whether he or they do or do not reside within the Jurisdiction of such Justice, to appear either before himself or the Justices assembled at the Petty Sessions, either of the District in which such Loan Office is situate, or of the District wherein the Party or any of the Parties so summoned reside; and after his, her, or their Appearance, or, in default thereof, upon due Proof upon Oath of such Summons having been duly served or left at the ordinary Residence of such Person, such Justice or Justices shall proceed to hear and determine the said Complaint, and award such Sum to be paid, by the Person or Persons respectively liable to the Payment of any such Note or Security, to such Treasurer or Secretary as aforesaid as shall appear to such Justice or Justices to be due thereon, provided such Note or Security shall be in the Form and on the Paper issued by the said Loan Fund Board as aforesaid, but not otherwise, and including all such Fines as shall have been incurred under the Rules of such Society in respect of such Note or Security, together with such a Sum for Costs, not exceeding the Sum of Two Shillings, as to such Justice or Justices shall seem meet; and if any Person or Persons shall refuse or neglect to pay or satisfy such Sum of Money as upon such Complaint as aforesaid shall be adjudged, such Justice or Justices shall, by Warrant under his or their Hand and Seal or Hands and Seals, cause the same to be levied by Distress and Sale of the Goods of the Person or Persons so neglecting or refusing as aforesaid, together with all Costs and Charges attending such Distress and Sale, and returning the Overplus (if any) to the Owner; and no such Proceedings shall be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

Summons for Recovery of Loan may be in Form in Schedule.

To be entered by Petty Sessions Clerk, and called on in Turn.

Warrant for Recovery of Loan may be in Form given in Schedule.

XXXI. And be it enacted, That the Summons to be issued for the Recovery of any Loan as aforesaid shall be in the Form Number 1. contained in the Schedule (B.) hereunto annexed, or to the like Effect, and shall be prepared and provided by the Treasurer, Clerk, or other Officer of such Loan Society; and in case the same shall be made returnable at Petty Sessions the Clerk of such Petty Sessions shall enter such Summons in the Petty Sessions Book, and shall call on the same in its proper Turn to be heard and disposed of, for which he shall be entitled to receive a Fee of Three-pence, and no more, to be paid out of the Costs awarded; and if Judgment shall be given upon such Summons in favour of the Plaintiff the Warrant to be issued for the Levy of any Sum of Money which shall by any Justice or Justices be adjudged to be paid as aforesaid shall be in the Form Number 2. contained in the Schedule (B.) hereunto annexed, or to the like Effect, and for which a Fee of Sixpence, and no more, shall be charged by the Clerk of the Petty Sessions, or any other Person whatever.

Goods seized under Levy Warrant may be sold by Bailiff with-

XXXII. And be it enacted, That it shall and may be lawful for the Constable, Bailiff, or any other Person or Persons who may be charged with the Execution of any Warrant under the Authority of this Act, to sell or cause to be sold the Goods seized under such

Warrant, without employing a licensed Auctioneer to conduct or effect such Sale, and no such Goods so sold shall be subject to any Auction Duty. out a licensed Auctioneer.

XXXIII. And be it enacted, That it shall and may be lawful for the Treasurer or Secretary for the Time being of any Loan Society established under this Act to sue for and recover, for the Use of such Society, the Amount of any Note or other Security which shall have been passed or made payable to the Treasurer or Secretary for the Time being of such Society, notwithstanding any Change or Changes which may have taken place in the Person by whom the said Office of Treasurer or Secretary may be filled. Treasurer of any Loan Society may sue on Securities granted to his Predecessor.

XXXIV. And be it enacted, That in every Case in which the Execution of any Note or other Security issued by any Loan Society shall be attested by any Clerk or other Officer or Servant of such Loan Society, and such Clerk or other Officer or Servant shall afterwards be dismissed or cease to be employed by such Loan Society, or in case of the Dissolution of such Society, or of the winding up of its Affairs under the Authority of the Loan Fund Board as herein-after mentioned, then and in every such Case the Handwriting of such attesting Witness may be proved in like Manner to all Intents and Purposes as the same might be proved in case such attesting Witness were dead, and such Proof shall have the like Force and Effect as if he were dead. Notes of a Loan Society attested by a Clerk may on his Dismissal be proved by Evidence of his Handwriting, in like Manner as upon his Death.

XXXV. And be it enacted, That it shall and may be lawful for every such Society established or acting under this Act, which shall be desirous of raising Funds for the Purposes of such Society or of increasing the Funds of such Society, to issue Debentures in a Form and on Paper or Parchment to be supplied by the said Loan Fund Board, and the Debentures issued under former Acts, or which may be issued under this Act, shall be transferable in the Manner herein-after mentioned, and not otherwise; (that is to say,) by Endorsement upon the said Debenture, to be executed by the Person or Persons entitled to the Sum thereby secured, in the Presence of Two credible subscribing Witnesses at the Office of such Loan Society, and to be registered in the Books of the Loan Society by whom such Debenture shall be payable; and after such Endorsement shall have been so executed and registered as aforesaid, but not before, the Person or Persons to whom such Transfer shall be made shall thereupon stand possessed of and be entitled to the Amount of such Debenture, and of all Interest, Benefit, Claims, and Demands whatsoever due or to grow due thereon, as fully as if he or they had been the Party who had originally advanced the Sum secured by the said Debenture; and every Transfer of such Debenture shall be in the Form Number 4. in Schedule (A.) to this Act annexed, or to the like Effect; and after the Thirty-first Day of *December* after the passing of this Act no Debenture shall be issued for a less Sum than Twenty Pounds, unless it be in lieu of one previously issued. Loan Societies may issue Debentures transferable by Endorsement in Presence of Two Witnesses, and registered in Books of Society.

XXXVI. And be it enacted, That no Treasurer, Trustee, or other Officer of any Loan Fund Society subscribing a Debenture shall be individually Trustees, &c. signing the Debentures

not personally liable, unless by express Agreement.

individually responsible in Person or Property for the Payment of the same, or of any Interest thereon, but such Debenture shall be a Charge on the Capital and Property of the Society alone, unless such Treasurer, Trustee, or other Officer shall in the Instrument, or by Writing at the Foot or on the Back thereof, declare his or their Willingness to be liable in Person or Property for the specific Sums so guaranteed.

Sums under 50*l.* deposited in any Loan Society payable without Administration to the next of Kin of deceased Debenture Holder.

XXXVII. And be it enacted, That in case any Debenture Holder or other Claimant entitled to receive any Sum not exceeding Fifty Pounds out of the Funds of any such Loan Society shall die, it shall be lawful for the said Society, or the Trustees thereof, and they are hereby authorized and permitted, from and after the Expiration of Three Calendar Months after the Death of such Debenture Holder or other Claimant so entitled, if they shall be satisfied that no Will was made and left by such deceased Person, and that no Letters of Administration have been or will be taken out of the Goods, Chattels, Rights, and Credits of such deceased Person, to pay the same to any Person or Persons who shall appear to the said Society, or such Trustees as aforesaid, to be the Persons, or one of the Persons, entitled under the Statute of Distribution to the Effects of the deceased Intestate, although no Letters of Administration shall have been taken out; and the Payment of any such Sum or Sums of Money shall be valid and effectual with respect to any Demand of any other Person as next of Kin of such deceased Intestate, or as the lawful Representative or Representatives of such Person, against the Funds of such Society, or against the Trustees, Treasurer, or Officers thereof; but nevertheless such next of Kin or Representatives shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Business of a Loan Society not to be transacted at a Public House, &c.

XXXVIII. And be it enacted, That the Business of any Loan Society in *Ireland* established or acting under this Act shall not, on any Account or Pretence whatever, be conducted, carried on, or transacted at any Hotel, Tavern, Public House, Beer Shop, or House of Entertainment, or in any Building occupied therewith, or situate within the Curtilage thereof; and any Trustee, Manager, Officer, Clerk, or Servant of any such Society who shall offend herein shall for every such Offence forfeit a Sum not exceeding the Sum of Ten Pounds, to be recovered in the Manner herein-after provided.

Accounts of Loan Societies to be kept in manner directed by Loan Fund Board; and all their Books, &c. to be produced for Inspection to Officer of Loan Fund Board, upon

XXXIX. And be it enacted, That the Books and Accounts of all Loan Societies in *Ireland* shall be kept in such Manner and Form as shall be directed or approved by the said Loan Fund Board; and every Loan Society in *Ireland*, and the respective Officers and Servants thereof, shall from Time to Time, and so often as they shall be thereunto required by the said Loan Fund Board, produce to the Secretary, Inspector, or other Person authorized by the said Board in that Behalf, for his Inspection and Examination, all and every the Books, Accounts, Vouchers, Papers, and Documents whatsoever of such Loan Society; and in case any Officer or Servant of any Loan Society shall, after Demand made, refuse or neglect to produce to such Secretary, or other authorized Officer of the said Loan Fund

Board, all or any of the Books, Accounts, Vouchers, Papers, and Documents of such Loan Society, which shall be in his Possession, Custody, or Power, or shall not duly account for the Books, Accounts, Vouchers, Papers, or Documents of such Loan Society which may have been in his Possession, Custody, or Power, every Person so refusing or neglecting shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Five Pounds, to be recovered in the Manner herein-after provided.

Demand, under a Penalty of 5*l.*

XL. And be it enacted, That the Trustees and Managers of every Society established or acting under the Provisions of this Act shall cause an Abstract of the Accounts of such Society for each Year to be made out, up to and ending with the Thirty-first Day of *December*, together with a Statement of the Funds and Effects and Property of every Kind, and of the Debts and Liabilities of such Society, and of the clear net Profit and Appropriation thereof, and of the Loss (if any) for the Year then ended, which Abstract and Statement shall be in such Forms, and shall contain such Particulars connected with the Accounts and Transactions of such Society, as the said Loan Fund Board shall from Time to Time direct; and a Copy of such Abstract and Statement, duly certified to be correct by the Secretary, Treasurer, and at least One Trustee, shall, some Time in the Month of *January* in each Year, be transmitted to the said Loan Fund Board: Provided always, that it shall be lawful for the said Loan Fund Board, at their Discretion, to require half-yearly, or quarterly, or monthly Accounts from any such Society as aforesaid, and thereupon such Accounts shall be transmitted to the said Board by such Society accordingly.

Abstract of Accounts to be made out yearly, and sent to Loan Fund Board.

XLI. And be it enacted, That in case the Trustees or Managers of any Loan Society shall be desirous of dissolving such Society, or of bringing its Operations to a Close, and shall enter into any Resolution for that Purpose, the Clerk of such Society shall without Delay transmit a Notice in Writing of such Resolution to the Secretary of the said Loan Fund Board Three Calendar Months at least before the Period appointed for the Dissolution of such Society, or the Close of their Operations; and in case the Trustees or Managers of any Loan Society shall enter into any Resolution or Agreement or issue any Notice with the View or for the Purpose of effecting their Dissolution or bringing their Operations to a Close, without notifying the same within Ten Days to the said Loan Fund Board, or shall fix by such Resolution, Agreement, or Notice any Period sooner than Three Months from the Time of such Notification for the Dissolution of such Society or the Close of their Operations, then and in every such Case all and every the Capital Stock, Funds, and Securities, and Property whatsoever, of or belonging to such Society or the Trustees thereof, shall vest in the Secretary of the said Loan Fund Board for the Time being, and be disposed of, under the Direction of the said Board, in like Manner as herein-after provided with respect to a Society that shall be found to have violated their Rules or the Provisions of this Act.

Loan Society intending to dissolve itself shall give Three Months Notice of their Intention to Loan Fund Board.

XLII. And be it enacted, That it shall not be lawful for any Treasurer, Trustee, Member of the Managing Committee, or other Officer

Trustees, &c. of the Loan Society in-

tending to resign their Trusts to give Three Months Notice of such Intention to Loan Fund Board.

Officer exercising Control in the Direction or Management of the Affairs of any Loan Society, unless upon the special Leave of the said Loan Fund Board, voluntarily to resign or withdraw from such Office or Trust, without having given at least Three Calendar Months Notice in Writing of his Intention in that Behalf to such Loan Society, and also to the said Loan Fund Board; and that a Copy of such Notice be posted in a conspicuous Part of the Office of such Loan Society.

No Clerk or Servant of a Loan Society to receive any Present from a Borrower or Surety, under a Penalty of 20*l.*

XLIII. And be it enacted, That no Clerk, Officer, or Servant of any Loan Society in *Ireland* shall directly or indirectly have, receive, or take any Bonus, Gratuity, or Present, either in Money, Goods, or Labour, or otherwise howsoever, from any Borrower from such Loan Society, or from any Surety; and in case any such Clerk, Officer, or Servant shall offend herein, or shall in any way connive at or knowingly be Party to any Fraud, he shall for every such Offence forfeit and pay a Penalty not exceeding the Sum of Twenty Pounds, to be recovered as herein-after mentioned.

Profits of Loan Societies may be applied to such charitable Purposes as said Societies, with Approbation of Loan Fund Board, shall appoint.

XLIV. And be it enacted, That it shall and may be lawful for every such Loan Society as aforesaid, or for such Person or Persons as shall have been duly authorized in that Behalf by the Rules of such Society, and they are hereby required, annually to reserve a Sum, not less than One Tenth of their clear net Profits over and above all Losses, to form a Fund for the Security of the Debenture Holders, and, subject thereto, it shall be lawful for them to appropriate from Time to Time such Portion of the Residue thereof as they shall think proper to the Support of any Dispensary, Hospital, or Infirmary in the District or County in which such Society shall be established, or for such other charitable or useful local Purpose as they, with the Approbation of the said Loan Fund Board, shall think fit; and as well the said reserved Fund, as the Residue or the whole of such net Profits if no Part shall be so appropriated, shall be employed as Part of the Funds of such Society, until such Society, with the Approbation of the said Loan Fund Board, shall otherwise determine; provided that no Part of such net Profits as aforesaid shall be appropriated in any way for the Advantage or Benefit of any Member of the Society, or of the Persons managing or conducting the same, or for any Purpose whatsoever, except as herein-before provided; and provided also, that in case any such Society shall have been dissolved, or otherwise deprived of the Benefit of this Act, the whole of the clear net Profits not previously appropriated, after Payment of all Debts of or Claims on such Society, shall be appropriated to such Dispensary, Hospital, or Infirmary, or to such other charitable or useful local Purpose as the said Loan Fund Board shall think proper.

Loan Societies violating their Rules, or the Provisions of this Act, may be dissolved by Order of Loan Fund

XLV. And be it enacted, That in case it shall appear to the said Loan Fund Board, after due Investigation, that any such Loan Society as aforesaid has not adhered to its Rules, or has applied any of its Profits or Funds, or done any Matter or Thing, contrary to the Provisions of this Act, it shall be lawful for the said Loan Fund Board to withdraw from such Loan Society the Certificate so issued to them as aforesaid, and to order and direct that such Society shall discontinue

discontinue its Operations, and shall be dissolved; and the said Loan Fund Board shall cause such their Order to be published in the *Dublin Gazette*, and also in some Newspaper circulating in the County or Place in which the Office of such Loan Society is situate, and shall also notify such their Order to such Loan Society, and also to the Clerk of the Peace with whom the Rules of such Loan Society shall be filed; and from and after the Expiration of Six Calendar Months from the first Publication of such Order in the *Dublin Gazette*, or the Expiration of such extended Time as the said Loan Fund Board shall allow and appoint in that Behalf (and which the said Board is hereby authorized to allow and appoint), such Loan Society shall be dissolved, unless the Order of the said Board shall be reversed upon Appeal, as herein-after mentioned; and upon the Dissolution of such Society all and every the Property, Monies, Securities, Goods, Chattels, and Effects which such Society, or any Person or Persons in Trust for them, shall be seised or possessed of or entitled to at the Time of such Dissolution shall immediately vest in the Secretary of the said Loan Fund Board for the Time being, to be applied under the Directions of the said Board to the Payment of all the outstanding Debts and Liabilities of the said Society, and the Residue (if any) to be applied to such Purposes as are herein-after in that Behalf mentioned; and the said Loan Fund Board may, if they shall so think fit, after notifying such their Decision to the said Society, cause the Affairs of such Society to be wound up, and for that Purpose appoint a fit and proper Person to call in and receive all outstanding Debts and Demands due or payable to or on account of such Society, and to institute and carry on, either in his own Name or in the Name of the Secretary of the said Loan Fund Board, or of the Treasurer, Trustees, or other Officer or Officers of such Society, the necessary Proceedings for that Purpose; and such Person shall have all the Powers vested in the said Treasurer, Trustees, or other Officer or Officers of such Society, under their Rules or this Act, or otherwise; and after the Appointment of such Receiver as aforesaid it shall not be lawful for such Society, or the Treasurer, Trustees, or any other Officer or Officers thereof, unless authorized in that Behalf by such Receiver, to receive, sue for, or recover any Loan, Debt, or Demand due or payable to or for the Use of such Society; and in case after the Appointment of such Receiver any Treasurer, Clerk, or other Officer or Servant of such Society, or other Person whatsoever, by the Order or for the Use of such Society, shall demand, receive, or sue for any Loan, Debt, or Demand on account of such Society, unless authorized as aforesaid, every Person so offending shall for every such Offence forfeit and pay a Sum equal to the Sum so demanded, received, or sued for, and in addition thereto a Sum not exceeding Ten Pounds, to be recovered as herein-after mentioned; and immediately upon the Appointment of such Receiver as aforesaid all and every the Trustees, Treasurer, Clerk, and other Officers and Servants whatsoever of such Loan Society, shall deliver to such Receiver, or to such Person or Persons as he shall appoint, all and every the Books, Accounts, Securities, Vouchers, Papers, Documents, Monies, Goods, Chattels, and Effects whatsoever of or belonging to such Society in their respective Possession, Custody, or Power; and if they or any

Board, subject to Appeal to Lord Lieutenant in Council.

of them, or any other Person or Persons whatsoever, having in his or their Possession, Custody, or Power any such Books or other of the Premises aforesaid of or belonging to such Society, shall refuse or neglect to deliver the same, or any of them, on Demand, to such Receiver or Person or Persons appointed by him in that Behalf, every Person so neglecting or refusing shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds, to be recovered in manner herein-after mentioned; and it shall and may be lawful for any Justice of the Peace to issue a Warrant authorizing the Seizure of all and every such Books and other the Premises aforesaid of or belonging to such Loan Society, and the Delivery of the same to the Receiver so appointed by the said Loan Fund Board, or such Person or Persons as he shall direct, and such Warrant shall and may be executed according to the Tenor and Effect thereof; and it shall and may be lawful for the said Loan Fund Board, after paying all lawful Debts and Demands of such Society, and all necessary Expences incurred in winding up the Affairs thereof as aforesaid, to appropriate the surplus Effects and Property (if any) of such Loan Society which may remain to the Establishment of any other Loan Society or Societies, or to increase the Capital of any existing Loan Society or Societies, in the same District or County, or to such Dispensary, Hospital, Infirmary, or other charitable or useful local Purpose as the said Board shall think proper: Provided always, that it shall be lawful for any such Society, within One Calendar Month after Notice shall be given of any such Decision as aforesaid to such Society, to appeal against such Decision to the Lord Lieutenant of *Ireland* and the Privy Council thereof, whose Judgment in the Premises shall be final and conclusive; and provided further, that no Steps shall be taken towards winding up the Affairs of any such Society until the Expiration of One Calendar Month from the Date of such Notice, nor, if any Appeal shall be lodged within that Time, until Judgment shall be given on such Appeal against the Appellants; and provided further, that no such Appeal shall be entertained unless Notice in Writing of such Appeal shall have been transmitted to the Secretary of the said Loan Fund Board within One Calendar Month after the Decision of the said Board from which such Appeal is made shall have been notified to the Society preferring such Appeal; provided also, that no further Loans shall be issued by such Society until Judgment upon such Appeal be pronounced.

Forms of Debentures to be printed and Paper to be marked.

XLVI. And be it enacted, That the said Loan Fund Board shall cause a sufficient Number of Forms of Notes and Debentures to be printed according to the respective Forms numbered 2. and 3. in the Schedule (A.) to this Act annexed, and shall cause such Forms to be printed in such Manner, or with such Device, Cypher, Letters, or Numbers, as the said Loan Fund Board shall from Time to Time think proper or necessary to denote and authenticate the same, and shall from Time to Time transmit or deliver, on Payment of Costs of Carriage, such Number of the said Forms as shall be required of them to each Loan Society established under this Act, upon Payment for every Form of such Note so supplied by them of the Sum of One Penny, and upon Payment for every Form of such Debenture

of

of the Sum of One Shilling, and all Sums received for such Forms shall be carried to and made Part of the Funds of such Loan Fund Board in the Bank of *Ireland*.

Irish Reproductive Loan Fund Institution to be exempt from the Control of the Loan Fund Board.

XLVII. And be it enacted, That nothing in this Act contained shall extend or be construed or taken to authorize any Interference on the Part of the said Loan Fund Board, or the Secretary or Officers thereof, in the Affairs of the *London* Charitable Association, commonly called "The *Irish* Reproductive Loan Fund Institution," or of any Trustees or Agents thereof, or of any Institution or Society in *Ireland* which is or shall be established in connexion with the said *Irish* Reproductive Loan Fund Institution, or to make the said Institution, or any Trustee or Agent thereof, or any Institution or Society in *Ireland* now or to be hereafter established in connexion therewith, in any Manner accountable to the said Loan Fund Board, or to compel previous Notice of the intended Retirement of any Trustee, Agent, Treasurer, Member of Committee, or other Officer of the said Institution, or of any such other Institution or Society in connexion therewith, or of the intended Dissolution of any such last-mentioned Institution or Society, to be given to the said Loan Fund Board; and that it shall not be necessary for the said Institution, or any such other Institution or Society in *Ireland* which is or shall be established in connexion therewith, or for the Rules or Fines of the said Institutions, or any such other Institution or Society which is or shall be established in connexion therewith, to be approved or certified by the said Loan Fund Board, or by the Secretary thereof, or for any Officer, Treasurer, Trustee, or Agent of the said Institution, or of any such other Institution or Society in connexion therewith, to give any Security to the said Loan Fund Board, any thing herein contained to the contrary hereof notwithstanding; but that the said Institution, and the Trustees and Agents thereof, and every Institution or Society in *Ireland* now or hereafter to be established in connexion therewith, shall be wholly free and exempt from the Control and Interference of the said Loan Fund Board, and shall not be required to take any Paper of Forms from the said Loan Fund Board in order to relieve themselves from the Stamp Duties or to recover any Money or Instalments due.

Societies in connexion with the Irish Reproductive Loan Fund Institution to have all the Benefits of this Act, on giving Notice to the Loan Fund Board.

XLVIII. And be it enacted, That the Trustees and Agents in *Ireland* of the said *Irish* Reproductive Loan Fund Institution, and every Institution or Society of Persons which now is or hereafter shall be instituted or associated together in *Ireland*, by or in connexion with the said *Irish* Reproductive Loan Fund Institution, for the Purpose of making charitable Loans of Money, or for providing, by way of Loan, Implements of Labour, Seeds, or raw Materials for Manufacture of Goods to be used or employed in any Trade, shall and may have, exercise, use, and enjoy all the Powers and Authorities, Rights and Remedies in this Act contained, in respect to the lending out, recovering, and investing Monies, and otherwise in relation to their Affairs: Provided always, that the said *Irish* Reproductive Loan Fund Institution shall, within Six Calendar Months after the passing of this Act, or in the Case of Trustees and Agents to be hereafter appointed, and of Societies to be hereafter established, within Three Calendar

Calendar Months after the Appointment or Establishment thereof, send, under the Hand and Seal of their Chairman, countersigned by the Secretary or Manager, to the Secretary of the Loan Fund Board in *Dublin* a written List, Description, or Specification of all Trustees and Agents of the said Society authorized to act in relation to the Affairs of the said Institution in *Ireland*, and of all such Loan Societies or Institutions as now are or may hereafter be established in *Ireland* by or in connexion with the said *Irish* Reproductive Loan Fund Institution.

Certificate to be Evidence of Connexion with Irish Reproductive Loan Fund Institution.

XLIX. And be it enacted, That the Production of a Certificate under the Hand and Seal of the Chairman, and countersigned by the Secretary or Manager of the said *Irish* Reproductive Loan Fund Institution, certifying that any Person or Persons is or are Trustees or Agents of the said Institution, and authorized to act in relation to their Affairs in *Ireland*, or that any Society or Institution has been established in connexion with the said *Irish* Reproductive Loan Fund Institution, shall be Evidence before all Judges and Justices, and in all Courts, of the Fact therein certified, without further Proof thereof, and it shall not be necessary to prove the signing or sealing of such Certificate.

Restricting Powers of said Institution and its Connexions as to borrowing or lending under this Act.

L. And be it enacted, That it shall not be lawful for any Trustee or Agent of the said *Irish* Reproductive Loan Fund Institution, or for any Society claiming Exemption in consequence of their Connexion therewith, to take or hold upon Debentures or other Securities, or to lend out, under the Provisions of this Act, any Monies, Implements, Goods, or Effects, other than the Monies, Implements, Goods, and Effects of the said *Irish* Reproductive Loan Fund Institution.

Societies in connexion with the Institution not entitled to Benefit of this Act in certain Cases.

On Discontinuance of Connexion, the Institution to give Notice to the Loan Fund Board in Dublin.

LI. And be it enacted, That no Trustee or Agent of the said Institution, nor any Society in connexion therewith, shall be entitled to the Benefit of this Act which shall not at the Time of claiming such Benefit be actually in connexion with the said *Irish* Reproductive Loan Fund Institution, or which shall take or hold any Monies, Implements, Goods, or Effects, other than the Monies, Implements, Goods, and Effects of the said *Irish* Reproductive Loan Fund Institution: Provided also, that if by any Means any such Connexion which shall or may at any Time hereafter subsist between the said *Irish* Reproductive Loan Fund Institution and any Loan Society or Institution in *Ireland* shall be determined or dissolved, then and so often as the same shall happen the said *Irish* Reproductive Loan Fund Institution shall, with all reasonable Speed after such Determination or Dissolution, send a written Notice thereof, under the Hand and Seal of the Chairman countersigned by the Secretary or Manager, to the Secretary of the said Loan Fund Board in *Dublin*.

Irish Reproductive Loan Fund Institution to report yearly to Parliament.

LII. And be it enacted, That the said *Irish* Reproductive Loan Fund Institution shall, on or before the Thirty-first Day of *March* in every Year, cause a Report of their own Proceedings, and also an Abstract of the Proceedings, as required for Societies certified under this Act, of the several Loan Societies under their Control and Superintendence, during the Year ending the Thirty-first Day of *December*

next preceding, to be prepared, which Report shall contain an Account of all Monies and Funds which shall have come to the Hands or been placed to the Credit of the said Institution, and of the Loan Societies connected therewith, and of the particular Sources from which derived, and of all and every the Monies expended or lent during the said Year, and for what Purposes and upon what Account respectively, and showing the Balance then standing to the Credit of the said Institution; and such Report shall be signed by the Chairman and Secretary of the said *Irish* Reproductive Loan Fund Institution, and laid before both Houses of Parliament within One Month after the same shall have been prepared, if Parliament shall be then sitting, or within One Month after the Commencement of the then next Session.

Societies not certified under this Act, &c. their Members and Officers prohibited from acting, under a Penalty of 20*l.*

LIII. And be it enacted, That if after the passing of this Act any Person or Persons, not being a Society the Rules whereof shall have been duly certified pursuant to the Provisions of the said recited Acts or this Act, or any Society established under the said Acts or this Act from which the Certificate shall have been withdrawn by the said Loan Fund Board in exercise of the Powers hereby vested in them in that Behalf, shall, under the false Pretence of being a Society so established and authorized, raise Money by Debentures, or issue any Loan, or impose any Fine, or use any other of the Advantages and Privileges of a Loan Society duly established as aforesaid, or if the Managers, Trustees, or Officers of any Society claiming Exemption from the Inspection and Control of the said Loan Fund Board in consequence of their Connexion with the said *Irish* Reproductive Loan Fund Institution, shall at any Time raise, take up, hold, or lend out under the Provisions of this Act any Monies, Goods, or Effects other than those of the said *Irish* Reproductive Loan Fund Institution, then and in every such Case every such Person or Member of such Society, and every Officer, Clerk, and Agent thereof, and every other Person who shall aid or assist therein, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered as herein-after mentioned.

Monts de Piété to be deemed Loan Societies within this Act, and to cause their Rules to be certified and entitled to Benefits of 5 & 6 Vict. c. 75.

LIV. And be it enacted, That all Societies now or hereafter to be formed for the Purpose of establishing, supporting, or conducting Monts de Piété or Charitable Pawn or Deposit Offices, at which Money may be lent to the industrious Poor upon Pledge in *Ireland*, shall be deemed Loan Societies within the Meaning of this Act; and all and every the Powers and Authorities hereby vested in the said Loan Fund Board for the Purpose of superintending and controlling Loan Societies in *Ireland*, and for enforcing the due Observance of their Rules, and the Provisions of this Act, shall extend to and shall and may be exercised in respect of all such Charitable Pawn or Deposit Offices, and the Societies or Persons by whom they have been or may be established, and the Trustees, Conductors, Managers, Officers, Clerks, and Servants thereof respectively; and the Rules framed for the Management of all such Institutions shall be certified by the Secretary of the Loan Fund Board, within the same Period, and under Pain of the same Disqualifications and Penalties, as are herein provided with respect to the Loan Societies; and all and every

other the Clauses and Enactments herein contained, so far as the said Loan Fund Board, having due Regard to the legitimate Objects of such Charitable Pawn or Deposit Offices, shall deem it expedient to apply them, shall extend and be deemed and construed to extend to such Charitable Pawn or Deposit Offices as aforesaid, and to all Persons interested therein; and that all such Societies formed for the Purpose of establishing, supporting, or conducting such Charitable Pawn or Deposit Offices, the Rules whereof shall be duly certified under the Provisions of this Act, shall be entitled to all and every the Benefits, Privileges, Exemptions, and Advantages which by an Act passed in the last Session of Parliament, intituled *An Act to remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in* Ireland, are conferred upon or declared to belong to such Institutions or Societies established for the Purpose aforesaid as shall have complied with the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty.

5 & 6 Vict. c. 75.

Recovery of Penalties imposed by the Act.

LV. And be it enacted, That all and every the Penalties and Forfeitures by this Act imposed shall and may be recovered in a summary Way, on Conviction before a Justice or Justices of the Peace in Petty Sessions for the County or Place in which the Offence shall have been committed, together with the Costs of the Proceedings for the Recovery thereof, the Amount whereof shall be fixed and ascertained by the Justice or Justices before whom such Conviction shall be had; and every such Penalty or Forfeiture, when recovered, shall be paid to the Secretary of the Loan Fund Board, and be paid by him into the Bank of the Governor and Company of the Bank of *Ireland* to the Credit of the said Loan Fund Board Account, to be applied and disposed of in furtherance of the Objects of this Act in like Manner as the other Monies hereby directed to be lodged to the Credit of the said Board.

Penalties may be levied by Distress and Sale of the Goods of Offender.

LVI. And be it enacted, That all and every the Penalties and Forfeitures imposed under the Authority of this Act, together with the Costs of all Proceedings for the Recovery thereof, may, in case of Nonpayment thereof, be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand or Hands of the convicting Justice or Justices, or any of them, or any other Justice or Justices of the Peace for the same County or Place.

Summons, Information, and Conviction for Recovery of Penalties may be in the Forms given in the Schedule to the Act.

LVII. And be it enacted, That any Justice or Justices of the Peace before whom any Information shall be laid in Writing against any Person, or before whom any Person shall be convicted for any Offence under this Act, may cause the Information, Summons, and Conviction to be drawn up according to the Forms respectively given in Schedule (C.) to this Act annexed, or any other Form to the same Effect, as the Case may require; and in any Information, and in every Conviction for any Offence contrary to this Act, it shall be sufficient if the Offence shall be stated in the Words of this Act.

Members of Loan Societies to be

LVIII. And be it enacted, That on the Trial of any Action, Indictment, or other Proceeding respecting the Property of any Loan

Society, or in any Proceedings before any Justice of the Peace, any Trustee, Manager, Member, Officer, Clerk, or Servant of such Society shall be a competent Witness, and shall not be objected to on account of any Interest he may have in the Result of such Action, Indictment, or other Proceeding; and no Justice of the Peace who shall be a Trustee or other unpaid Officer or Member of any Loan Society shall be thereby precluded from adjudicating in the Matter of any Loan sued for by or on behalf of such Society, or of any Penalty or Forfeiture incurred under this Act, or from acting as such Justice of the Peace in any other Proceeding whatsoever under this Act; and in any Action, Suit, Complaint, Information, or other Proceeding, Civil or Criminal, of what Kind or Nature soever, and wheresoever pending, which shall be brought or carried on by the said Loan Fund Board, or by or in the Name of the Secretary of the said Loan Fund Board, the Secretary or any other Officer or Member of the said Board shall be a competent Witness in support of such Proceeding.

competent Witnesses, and not precluded from acting as Justices in any Proceeding under this Act.

LIX. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, or Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

If Action brought for any Trespass, &c. done in Execution of the Act, Plaintiff not to recover after Tender of sufficient Amends.

LX. And whereas there are some Places not included in any Petty Sessions District; be it therefore enacted, That all and every the Proceedings herein directed to be had before and the Jurisdictions hereby given to the Justices at Petty Sessions shall and may in every such Place be had before and exercised by any One or more Justices of the Peace acting in and for such Place so not included in any Petty Sessions District.

Provision for Places not included in any Petty Sessions District.

LXI. And be it enacted, That no Action, Suit, or Information, of what Nature soever, shall be brought, commenced, or prosecuted against any Person employed in the Management of a Loan Fund acting or established under the Provisions of this Act, for any Thing or Matter done or omitted to be done in pursuance of this Act, or in the Execution of any Power or Authority under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, or Information, or other Proceedings shall be brought or commenced within Six Calendar Months next after the Act committed; and if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after

Limitation of Actions.

after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs as between Attorney and Client, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

Interpretation of Act.

LXII. And be it enacted, That in the Construction of this Act the Words "Lord Lieutenant of *Ireland*" shall include the Chief Governor or Governors of *Ireland* for the Time being, and that all Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Act may be repealed this Session.

LXIII. And be it enacted, That this Act may be repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Form of Certificate to be granted by the Loan Fund Board to a Loan Society or Mont de Piété, to entitle the same to the Benefit of this Act.

THIS is to certify, That the Rules of the Loan Society [*or* Mont de Piété, *as the Case may be*,] hereunto annexed, numbered have been approved by the Loan Fund Board, and duly certified to be in conformity to Law, and that the said Society is entitled to all the Benefits of an Act passed in the Session held in the Sixth and Seventh Years of the Reign of Queen Victoria, intituled "An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland."

By Order of the Loan Fund Board,
Signed this Day of .

No. .

Secretary to the Loan Fund Board.

No. 2.

Form of Promissory Note or Security for the Repayment of Money lent by a Loan Society.

ON Demand we jointly and severally, or any Two of us, promise to pay to *A. B.*, the Treasurer for the Time being of the Loan Society, at the Times and in the Manner prescribed by the Rules of the said Society, the Sum of Sterling, together with all Fines which may be incurred by us or any of us under the Rules of the said Society.

Dated this Day of 18

£

	Names.	Residence.	Occupation.	
Witness. —				Borrower.
				Sureties.

No. 3.

Form of Debenture or Security for the Payment of Money lent to a Loan Society.

THIS is to certify, That *A. B.* of has this Day deposited with *C. D.*, the Treasurer of the Loan Society, the Sum of £ to be repaid out of the Funds of the said Society to the said *A. B.*, his Executors, Administrators, or Assigns, at the Expiration of Calendar Months after a Demand thereof in Writing shall have been made upon the Treasurer of the said Society, and to bear Interest until repaid at the Rate of per Centum per Annum, to be paid half-yearly [*or otherwise, as agreed upon*]; and it is hereby declared, that the said Principal Sum and Interest shall be a

Charge upon and payable out of the Funds and Property of the said Society, and such Funds and Property only; and that the Treasurer and other Officers and Members of the said Society, or any of them, shall not severally or collectively be responsible for the Payment thereof from or out of any other Funds whatsoever. Dated this Day of 18 .

(Signed) Trustee.

Treasurer.

Entered, Clerk.

No. 4.

Form of Transfer of Debenture to be endorsed thereon.

I the within-named Depositor [*or* "the Assignee of the within Debenture"], do hereby transfer this Debenture, with all Interest due and to accrue due in respect thereof, unto of

Witness my Hand, this Day of 18 .

[*Signature of Person making the Transfer.*]

Executed in the Presence of of ,
and of .

N.B.—The Transfer is not valid unless it shall have been executed at the Office, and registered in the Books of the Society by which the Debenture was issued.

No. 5.

Form of Bond to be given by the Treasurer or other Officer of a Loan Society for the due Performance of his Office.

Know all Men by these Presents, That we, *A. B.* of Treasurer [*or* Clerk, *&c.*] of the Loan Society, and *C. D.* of and *E. F.* of are jointly and severally held and firmly bound to *G. N.*, Secretary to the Loan Fund Board established under an Act passed in the Session held in the Sixth and Seventh Years of the Reign of Queen Victoria, intituled "An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland," in the Sum of £ to be paid to the said *G. N.* as such Secretary as aforesaid, or other the Secretary of the said Board for the Time being, or to his certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us, himself, our and each of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals. Dated the Day of in the Year of our Lord . Whereas the above-bounden *A. B.* hath been duly appointed Treasurer [*or* Clerk, *&c.*] of the Loan Society:

Now the Condition of the above-written Bond is such, that if the said *A. B.* shall and do justly and faithfully execute his Office of Treasurer [*or* Clerk] of the said Loan Society, and shall and do from Time to Time and at all Times when thereunto required by the said Society, or any Person or Persons by them in that Behalf authorized, or by the Loan Fund Board, or by the Secretary, or any other Officer or Officers by the said Board in that Behalf authorized, render a just and true Account of all Monies received and paid by him the said *A. B.* on account of the said Society, or in execution of his said Office, or in relation thereto, and produce and exhibit to the Person so requiring him as aforesaid all Books, Accounts, Vouchers, Papers, and Documents of or belonging to the said Society, or relating to the Affairs thereof, in his Hands, Custody, or Power, and do and shall pay over all Monies remaining in his Hand, and assign or transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society, in his Hands, Custody,

or Power, to such Person or Persons as the said Society, so long as the same shall exist and continue duly authorized to act as a Loan Society, shall appoint, or in case and so soon as the said Society shall cease to exist or be duly authorized to act as a Loan Society, then to such Person or Persons as the said Loan Fund Board, or any duly authorized Officer or Officers thereof, shall appoint, and do and shall conform to and observe all and every the Rules in force for the Time being of the said Society, and in all other respects well and truly and faithfully perform and fulfil the Duties of the said Office, then the above-written Bond shall be void and of no Effect, but otherwise the same shall be and remain in full Force and Virtue.

SCHEDULE (B.)

No. 1.

Form of Loan Fund Summons.

County of to wit.
The Treasurer of the Loan Society, Plaintiff.

Defendants.

You are hereby required to appear personally before me, or any other Justice or Justices of the Peace for the said County, who shall be present at on the Day of 184 at the Hour of of the Clock in the noon of the same Day, to answer the Complaint of the Plaintiff, and show Cause why you neglect to pay him the Sum of £ being the Amount alleged by the Plaintiff to be due to him as Treasurer of the said Loan Society on your Note bearing Date the Day of and for Fines incurred under the Rules of the said Society; and in default of your Appearance at the Time and Place aforesaid the Case will proceed in your Absence as to Justice shall appertain. Dated this Day of (Signed)

To the Defendants above named.

Justice of the Peace, &c. for the said County.

No. 2.

Warrant.

No.
County of Petty Sessions to wit.
The Treasurer of the Loan Society, Plaintiff.

A., Borrower, of [*Place of Abode.*]
B., Security, of [*Place of Abode.*]
C., Security, of [*Place of Abode.*]
Defendant.

By J.P., at the Petty Sessions of in the County of

It appearing to me that a Summons was duly served on the Defendant , and that the Defendant justly indebted to the Plaintiff in the Sum of Pounds Shillings and pence Sterling, for

It is therefore ordered and decreed by me, That the Plaintiff do recover from the Defendant the said Sum, together with Costs. And these are therefore to authorize and command you to distrain and sell the Goods and Chattels of the Defendant and every of them, and out of the Proceeds of such Sale

Sale to pay the Plaintiff the said Sum of Pounds, and also to pay all Costs and Charges attending such Distress and Sale, returning the Overplus (if any) to the Defendant or to such of them as may have been the Owners of the Goods so seized and sold.

Given under my Hand, this Day of

J. P.

To all Constables, Bailiffs, and others to whom it may concern. Seal.

SCHEDULE (C.)

No. 1.

Form of Information for the Recovery of a Penalty or Forfeiture under the foregoing Act.

County of to wit. } *A. B.* of cometh before me, a Justice of the Peace for the said County, on the Day of at within the said County, and giveth me to understand and be informed that *C. D.* of did, &c. [*here describe the Offence*].

(Signed)

No. 2.

Form of Summons for the Recovery of a Penalty or Forfeiture under this Act.

County of to wit. } You are hereby required to appear personally before me, or any other Justice or Justices of the Peace for the said County who shall be present at in the said County on the Day of 18 at the Hour of of the Clock in the noon of the same Day, to answer the Complaint of *A. B.* of charging that you did, &c. [*here set forth the Offence charged in the Information, or, if a Copy of the Information is served with the Summons,* " to answer the Complaint set forth in the Information with a Copy of which you are herewith furnished."] Dated this Day of

To *C. D.* of

(Signed)
Justice of the Peace for the said County.

No. 3.

Form of a Conviction for a Penalty or Forfeiture under the foregoing Act.

County of to wit. } Be it remembered, That on the Day of before me, One of the Justices of the Peace for the said County, sitting at in the said County, *C. D.* of on the Information of *A. B.* of is convicted, that he did, &c., [*here state the Offence.*] I do therefore adjudge that the said *C. D.* for his said Offence do forfeit and pay the Sum of £ Sterling, to be applied and disposed of as directed by the Statute in that Case made and provided, and that the said *C. D.* do further pay to the said *A. B.* the Sum of £ for his Costs in this Behalf.

Given under my Hand, the Day and Year first above written.

(Signed)

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

CAP. XCII.

An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in *Ireland*. [24th *August* 1843.]

WHEREAS it is expedient that certain Amendments should be made in the Provisions of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, and of an Act passed in the Second Year of the Reign of Her present Majesty, to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever the net annual Value of the whole of the rateable Hereditaments in any Union occupied by any Person or Persons having no greater Estate or Interest therein than a Tenancy from Year to Year, or holding under any Lease or Agreement, Leases or Agreements, made after the passing of this Act, shall not exceed Four Pounds, or, in any Electoral Division situated wholly or in part within any of the Boroughs named in the Schedule annexed to this Act, shall not exceed Eight Pounds, the Rate in respect of such Property shall, after the passing of this Act, be made on the immediate Lessor or Lessors of such Person or Persons; and if at the

1 & 2 Vict. c. 56. 2 Vict. c. 1.

Lessors of Property of less Value than 4*l.*, or in certain Boroughs than 8*l.*, to be rated for the same.

Time of making any Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it shall be sufficient to describe him therein as "the immediate Lessor," with or without any Name or further Addition, and such Rate shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

Recovery of Rates from Lessors by Action or Civil Bill, or by Warrant of Distress.

II. And be it enacted, That any Rate or Rates made as aforesaid on any Lessor in respect of any Property, whether occupied by One or more Occupiers, shall be recovered from him by all or any of the Remedies, Ways, and Means herein-after mentioned; (that is to say,) by Action or Suit in the Name of the Guardians of the Union against such Lessor in any of the Superior Courts of Record in *Dublin*, or by Civil Bill in the Court of proper Jurisdiction, or where such Lessor resides within any County in which such Union or any Part thereof is situate, whether the Property in respect of which such Rate is made be or be not within such County, the Collector of the Rate may, by Direction of the Guardians, leave at the Dwelling House of such Lessor a Notice, bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Rate within Fifteen Days from the Date of such Notice, and expressing that within Fifteen Days the Money demanded may be paid to the Collector at his House or Office; and if such Rate be not paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace of the County in which the Lessor may so reside, and such Justice shall summon the Lessor so complained against to appear before him in Petty Sessions and answer the said Complaint, and shall at the Time specified in such Summons examine into the Matter of such Complaint on Oath (which Oath the Justice is hereby empowered to administer), and shall direct the Payment to such Collector of such Sum of Money as he shall find due and payable as Rate by such Lessor, together with a Sum certain as and for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Lessor, or on his Refusal or Neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall be lawful for such Justice, or for any Justice of the Peace for such County, to issue his Warrant authorizing or empowering the said Collector to levy the Money thereby ordered to be paid by Distress and Sale of any Goods or Chattels of such Lessor which may be found within any Part of such County, rendering the Overplus, if any, to such Lessor, the necessary Charges and Expences of distraining being first thereout deducted, as directed by such Justice; and if sufficient Distress cannot be found within the same County, then on Oath thereof made before any Justice of the Peace of any other County in which any of the Goods and Chattels of such Lessor may be found (which Oath such Justice shall administer, and certify by indorsing in his Handwriting his Name on the Warrant granted to make such Distress), the Goods or Chattels of such Lessor shall be subject and liable to such Distress and Sale in such other County where the same may be found, and may by virtue of such Warrant and Certificate be distrained and sold

in the same Manner as if the same had been found within such first-mentioned County; and in any such Action or Suit, or Civil Bill, or Complaint before a Justice of the Peace against such Lessor as aforesaid, no Lessee or Occupier of the Property in respect of which such Lessor shall be rated shall be disabled or prevented from giving Evidence therein by reason of his being such Lessee or Occupier, or of any Liability to pay Rate in respect of such Property: Provided always, that no Action shall be brought in any of the Superior Courts of Record in *Dublin* without the Consent of the Poor Law Commissioners.

If Rate be not paid by the Lessor it may be recovered from the Occupier, who may deduct it from Rent.

III. And be it enacted, That if such Rate be not paid by such Lessor within Four Calendar Months after the making thereof it shall be lawful for the Guardians of the Union to give Notice in Writing, in the same Manner in which Summonses may be served under the said first-recited Act, to the Occupier or respective Occupiers of any such Property, to pay the Rate due in respect of the Property in his or their Occupation; and after the Expiration of One Calendar Month from the Time of giving such Notice it shall be lawful to recover such last-mentioned Rate from every such Occupier, or, in his Default, from any subsequent Occupier, according to the Provisions of the said Act; and every Occupier so paying such Rate may deduct from the Rent he may be then or next thereafter liable to pay in respect of any such Property the whole of any Rate he may have paid in respect of the same Property; and if Rent sufficient to cover such Rate be not then or do not thereafter become due from such Occupier he shall be entitled to recover the same from such Lessor by Civil Bill; and any Covenant or Agreement by which any such Occupier shall have covenanted or agreed to forego the Deduction of any such Rate shall, so far as such Rate is concerned, be of no Effect.

Where Houses are let in Lodgings, the Tenant of the whole House to be liable.

IV. And be it enacted, That where any House is let in separate Apartments or Lodgings no Tenant of any such Apartment or Lodging shall be liable to be rated in respect thereof, but the Rate shall be made in respect of the whole of such House upon the immediate Lessor under whom such Apartments or Lodgings are held; and such Rate shall be recovered from such Lessor by all or any of the Remedies, Ways, and Means herein-before provided for the Recovery of Rates where Lessors may be rated: Provided always, that if such Rate be not paid by such Lessor within Thirty-one Days after the making thereof it shall be lawful for the Collector to recover such Rate from any Person or Persons in Occupation of such Apartments or Lodgings, according to the Provisions of the said first-recited Act; and every Occupier of such Apartment or Lodging so paying such Rate may deduct from the Rent he may be then or next thereafter liable to pay in respect thereof the whole of any Rate he may have paid in respect of the same; and if Rent sufficient to cover such Rate and Money be not then or do not thereafter become due from such Occupier, he shall be entitled to recover the same from such Lessor by Civil Bill: Provided always, that nothing herein contained shall prevent the separate Valuation and rating of such Portions of a Tenement as are held separately from the Remainder, and to which there

is an exclusive Right of Ingress: Provided always, that nothing herein contained shall prevent the Rate in respect of such House as last aforesaid from being made under the Provisions herein-before contained on the immediate Lessor under whom the whole of such House is held: Provided always, that nothing herein contained shall be construed to repeal or affect the Provisions of an Act of the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, which enables any Persons occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises respectively, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof, and to be enrolled as a Burgess under the Conditions provided in the said recited Act.

3 & 4 Vict. c. 108.

By Agreement Lessors of Property of any Value may be rated.

V. And whereas it is provided by the said first-recited Act that in any Case where the net annual Value of any Property shall not amount to Five Pounds, if the Occupier and his immediate Lessor by any Writing under their Hands shall require, and if the Guardians of the Union wherein such Property is situate shall by a Minute of their Board agree thereto, such immediate Lessor shall be rated instead of such Occupier: And whereas it is expedient to extend such Powers; be it therefore enacted, That the same Powers, and all the Provisions incidental thereto, shall extend to any Case where the net annual Value of rateable Property exceeds Five Pounds.

Goods found on Premises may be distrained.

VI. And be it enacted, That in all Cases in which under the said first-recited Act or this Act it is made lawful to levy any Money by Distress and Sale of the Goods of any Person, all Goods and Chattels, to whomsoever the same may belong, found on any Premises in respect of which any Person is or shall be rated as the Occupier, or as Occupier of which he is liable to pay the Rate, shall be liable to be distrained and sold as if they were the Goods and Chattels of such Person.

Valuation to be made by a Valuator appointed or sanctioned by the Commissioners; and not to be departed from in assessing the Rate, 1 & 2 Vict. c. 56. s. 66.

VII. And whereas in the said first-recited Act it is enacted, that it shall be lawful for the Commissioners, where they shall see fit, either to appoint or to direct the Guardians to appoint a fit professional Person or Persons to make a Survey and Valuation of all or any Hereditaments liable to be rated in any Townland within a Union, or to revise and correct any existing Survey or Valuation: And whereas Doubts have been entertained whether any such Person appointed by the Commissioners may enter on Lands and Buildings in like Manner as a Person appointed by the Guardians: And whereas Doubts have also been entertained as to the Extent to which a Valuation made by a Person appointed as first aforesaid is binding on the Guardians, and it is desirable to remove such Doubts, and to extend the Provisions herein recited; be it enacted, That the Commissioners may from Time to Time appoint a fit and proper Person to make a Survey or Valuation, or revise or correct any Survey or Valuation already made or hereafter to be made of all or any rateable Hereditaments, whether for any Portion of a Union or for any One or more Unions, and that the Commissioners may, if they see fit, direct the Guardians of any Union to appoint a fit and proper Person to make such Survey or Valuation,

Valuation, or to revise or correct any Survey or Valuation now made or hereafter to be made; and every Person so appointed by the Commissioners may, for the Purpose of making or revising any Survey or Valuation, at all reasonable Times enter every Field, Garden, or other inclosed Land, and all Buildings (not being inhabited Dwelling Houses) situated within such Townland or District; and every such Valuation made or revised by the Person so appointed shall, when signed and sealed by the Commissioners, be the Valuation on which the Rates for such Townland, District, Union or Unions shall be assessed and made; and it shall not be lawful for the Guardians in making any Rate to depart from or vary the Value as stated in such Valuation of any Hereditaments contained in such Rate, but every such Rate shall be assessed on the net annual Value as set forth in the Valuation so made, or revised and sealed by the Commissioners: Provided always, that on any Appeal against the Rate to any Sessions of the Peace under the said first and secondly recited Acts, it shall be lawful for the Assistant Barrister and Justices, or for the Recorder, before whom such Appeal is brought, to hear and finally determine the Matter of such Appeal, in like Manner to all Intents and Purposes as in the said Acts is provided, notwithstanding that such Valuation as herein-before mentioned has been so made or revised, and signed and sealed by the Commissioners: Provided also, that if on any Appeal against the Rate it shall be decided by such Assistant Barrister and Justices or Recorder that any Hereditament is unfairly or improperly assessed in any Rate made in pursuance of such Valuation as aforesaid, a Copy of the Order of the Court amending such Rate shall be transmitted by the Clerk of the Peace or proper Officer of the Court to the Commissioners, who shall thereupon authorize in Writing the Alteration of such Valuation in conformity with the Decision of such Court; and such Valuation so altered shall thenceforth be adhered to in making any future Rate, until the said Rate may be again amended as aforesaid on Appeal, or until the Commissioners shall see fit to appoint or sanction any Person or Persons to make a new Survey or Valuation as before, or to revise any existing Survey or Valuation.

Proviso as to Appeals.

VIII. And whereas by the said recited Act passed in the First and Second Years of Her Majesty's Reign the Power of Appeal against a Rate was given in certain Cases to any Session of the Peace to be held in the Presence of the Assistant Barrister in and for the County in which such Rate should have been made, and by the said Act passed in the Second Year of the Reign of Her Majesty it was enacted, that every such Appeal should be made and heard and the Matter thereof determined by any General or Quarter Sessions of the Peace held for the County, County of a City, or County of a Town in which the Cause of Complaint may have arisen, although such Session should not be held in the Presence of an Assistant Barrister: And whereas certain Unions extend over Portions of Counties and Portions of Counties of Cities and Towns, and Doubts have arisen whether in such Case an Appeal against a Rate ought to be made to the Sessions of the Peace for the County or County of the City or Town in which the Workhouse of the Union is situate, or to the Sessions of the Peace in which the rateable Hereditament in respect of which the Appeal is intended to be made is situate, and it is expe-

Removing Doubts as to Court of Appeal against a Rate.

dient to remove such Doubts; be it enacted, That in case the rateable Hereditament in respect of which any Appeal against a Rate is intended to be brought shall be situate or arise wholly within any County at large, or wholly within any County of a City or Town for which a General or Quarter Sessions of the Peace shall be held, the Appeal against such Rate shall be made to the Sessions of the Peace of the County or County of the City or Town (as the Case may be) within which such Hereditament shall be situate or arise; and in case such Hereditament shall be situate or arise partly within a County at large and partly within a County of a City or Town for which a General or Quarter Sessions shall be held, then to the Sessions of such County at large or such County of a City or Town to which the Appellant shall choose to appeal.

Repeal of 1 & 2 Vict. c. 56. s. 69.

IX. And whereas by the said first-recited Act it is provided, that before the First Rate shall be made in any Union under the Provisions of the said Act, and also previously to the making of any subsequent Rate upon any new Valuation, the said Guardians shall give such Notice as the Commissioners shall direct of the Place and Period, not to be less than Twenty-one Days, at and during which the Valuation whereon it is proposed that a Rate shall be made of the rateable Property within the Union may be seen; and such Valuation shall be shown at such Place and during such Period, by such Persons as the Guardians shall direct, and every Rate-payer within such Union shall be allowed at all Times between the Hours of Ten and Four during such Period to inspect such Valuation; be it enacted, That the same shall be and is hereby repealed; and that it shall be lawful for any Person or Persons affected by any Rate in force in any Union at all Times between Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon, *Sundays* excepted, to inspect every Valuation on which such Rate shall have been made, and to take Copies thereof or Extracts therefrom, without paying any thing for the same; and in case the Person or Persons having the Custody of any such Valuation refuse to permit such Person or Persons so affected by the Rate as aforesaid to take Copies thereof or Extracts therefrom, the Person or Persons so refusing, or not permitting any such Copy or Extract to be made, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered as Penalties and Forfeitures are recoverable under the said Act.

Valuation to be inspected at reasonable Times.

Repeal of 1 & 2 Vict. c. 56. s. 65. as to Form of Rate and Declaration of Guardians.

X. And be it enacted, That the Provisions of the said first-recited Act by which it is required that certain Particulars set forth in a Form in a Schedule to the said Act annexed shall be inserted in the Rate Book, and that the Guardians or other Officers competent to the making of the Rate shall sign the Declaration at the Foot of the said Form, shall be and is hereby repealed; and that it shall be lawful for the said Commissioners from Time to Time to prescribe the Form in which Rates shall be made, and the Particulars which shall be contained in the Rate Book; and that hereafter the Clerk to the Guardians or other Officers as aforesaid shall at the Foot of every Rate certify that such Rate, in so far as the Value of the Hereditaments therein assessed is concerned, is in conformity with the Valuation in force for the Time being; and that after such Clerk shall have so certified,

Hereafter Clerk to certify the Value, and Guardians to allow the Rate.

certified, if the Board of Guardians shall adopt such Rate, the Chairman of the Day and Two or more of the Guardians present shall state at the Foot thereof that they do allow the same, and shall sign such Allowance, and such Rate shall be deemed to have been made at the Time of the Signature of such Allowance: Provided always, that in respect of all rateable Hereditaments situated in any of the Boroughs named in the Schedules (A.) and (B.) annexed to the Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or in any other Town to which a Charter of Incorporation may under the said Act be granted, the Rate Book shall, in addition to any other necessary Particulars, contain an Account of the estimated net annual Value of such rateable Hereditaments, and an Estimate of the probable annual average Cost of the Landlord's Repairs and Landlord's Insurance. 3 & 4 Vict. c. 108.

XI. And be it enacted, That every Rate made under the Authority of this or the said first-recited Act on any Electoral Division in the County or the County of the City of *Dublin*, and any Money authorized and directed to be levied under any Warrant for the levying of Poor Rate in the said County or County of the City of *Dublin*, shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess or the Money applotted on the several Persons liable to pay the same may be collected and levied in any other County in *Ireland*. Rates for the County of Dublin to be collected as in any County in Ireland.

XII. And be it enacted, That, for the Purpose of charging the Expence of Relief to any Electoral Division, no Person shall after the passing of this Act be deemed to have been resident in such Electoral Division, unless during the Eighteen Calendar Months before his Admission into the Workhouse he have occupied some Tenement within such Division for Twelve Calendar Months, or (if he have not so occupied some Tenement) have usually slept within such Division for the Period of Twelve Calendar Months; and the Expence of the Relief of all other Persons who have not so occupied a Tenement, or slept within such Division, shall be borne by and charged against the whole Union in which they are relieved; and whenever any Person, after quitting the Workhouse of any Union, is again admitted within the Space of Six Calendar Months, the Expence incurred in respect of such Person shall be borne and charged in the same Manner as before his so quitting the Workhouse: Provided always, that every Child relieved at the same Time with any Person liable under the Provisions of the said first-recited Act to maintain such Child shall be deemed to have been resident with such Person, and its Relief shall be charged to the Electoral Division or Union, as the Case may be, accordingly. Residence defined for the Purpose of charging Relief to Electoral Divisions.

XIII. And be it enacted, That if any Person be described in the Register Book as resident in any Electoral Division who has not so occupied a Tenement or so slept in such Division as aforesaid, it shall be lawful for the Guardian or Guardians of such Electoral Division, or a Majority of them, or for any Three or more of the Ten Persons rated on the largest Amount of net annual Value within the Appeal from the Decision of Guardians on the Question of Residence.

the Electoral Division, with the Consent in Writing of the Commissioners first obtained, to appeal against the Decision of the Board of Guardians, in the same Manner as any Person aggrieved by an Order or Conviction of Justices may appeal under the said first and secondly recited Acts; and if the Justices and Assistant Barrister or Recorder do not see fit to award Costs to either Party, the Guardians shall charge their Costs to the whole of the Union; and if the Justices and Assistant Barrister or Recorder see fit to award Costs to the Respondents, the Guardians of the Union shall charge their Costs to the Electoral Division on whose Behalf the Appeal is entered; and if they see fit to award Costs to the Appellant, the Guardians of the Union shall pay such Costs, and shall charge the same to the rest of the Union exclusively of such Electoral District.

Maintenance of Deaf and Dumb or Blind in Institutions approved by the Commissioners may be paid out of Rates;

XIV. And be it enacted, That the Guardians of any Union may send any destitute poor deaf and dumb or blind Child under the Age of Eighteen to any Institution for the Maintenance of the Deaf and Dumb or Blind which may be approved of by the Commissioners, with the Consent of the Parents or Guardians of such Child, and may pay the Expence of its Maintenance there out of the Rates raised under the Authority of the said first-recited Act.

as also Conveyance of Persons from Workhouse to Fever Hospital, &c.

XV. And be it enacted, That it shall be lawful for the Guardians of any Union to pay out of the Rates raised under the Authority of the said first-recited Act the Expence incurred in conveying any destitute poor Person from the Workhouse of the Union to any Fever Hospital or Lunatic Asylum, and in maintaining any such destitute poor Person in such Fever Hospital.

Places for the Reception of Fever Patients, &c. may be provided.

XVI. And be it enacted, That it shall be lawful for the Guardians of any Union, if they shall think fit, subject to such Regulations as the Poor Law Commissioners may from Time to Time prescribe, to provide Relief for poor Persons affected with Fever or other dangerous contagious Disease, in a House or Houses hired or rented for the Reception and Medical Treatment of such poor Persons during their Illness and Convalescence, or by appropriating for that Purpose such Portion or Portions of the Union Workhouses as the Guardians, with the Consent of the Poor Law Commissioners, shall consider it safe and convenient to be so applied, and to charge the Expence so incurred on the Rates of such Union.

Expences of prosecuting Offenders under the Acts.

XVII. And be it enacted, That it shall be lawful for the Guardians of any Union to pay any Expence reasonably incurred in following, apprehending, or prosecuting any Person guilty of any Offence against the Provisions of the said first-recited Act, or of any Act or Acts to amend the same.

Guardians may assist destitute poor Persons to emigrate.

XVIII. And be it enacted, That it shall be lawful for Two Thirds of the Guardians of any Union, subject to the Regulations of the Commissioners, to be made with the Consent of Her Majesty's Principal Secretary of State for the Colonial Department, to assist any destitute poor Person who actually is and has been for Three Months an Inmate in the Workhouse of such Union, and who has been approved by

by the Commissioners, to emigrate to a *British* Colony, and to charge the Expences of such Emigration on the Union or Electoral Division to which such destitute poor Person has been chargeable, but the Amount of such Expences shall not in any One Year exceed Sixpence in the Pound of the net annual Value of the rateable Property in the Electoral Division or Union respectively; and it shall be lawful for Two Thirds of the Commissioners and Guardians respectively to exercise these Powers although no Meeting of the Rate-payers of such Electoral Division or Union have been held, any thing in the said first-recited Act to the contrary notwithstanding.

In case of Vacancy amongst ex-officio Guardians, the Commissioners may appoint a Day for a new Election.

XIX. And be it enacted, That in case the Number of the Justices appointed to act as *ex-officio* Guardians of any Union be reduced by the Death, Removal, or Disqualification of any such *ex-officio* Guardians during the Year for which he is appointed to serve, the Commissioners may, by Order, appoint a Day before the Expiration of the Year on which the Justices of the Peace residing in the Union may assemble at a Meeting to appoint, in the Manner provided by the said Act, another Justice to serve until the next Appointment of *ex-officio* Guardians for the same Union in the Place of every *ex-officio* Guardian who has so died, been removed, or become disqualified.

Resignation of Candidates.

XX. And be it enacted, That if any Person put in nomination for the Office of Guardian in any Electoral Division or Ward tender to the Officer conducting the Election of Guardians his Refusal, in Writing, to serve such Office, the Election of Guardians, so far as regards such Person, shall be no further proceeded with in such Electoral Division or Ward.

Commissioners may order fresh Election to supply Vacancies when they see fit.

XXI. And whereas by the said first-recited Act it is provided, that in case an Election of Guardians for any Electoral Division or for any Union shall not take place in obedience to the Orders of the Commissioners, and in pursuance of the said Act, or in case any Guardian duly elected shall neglect or refuse to act, the Commissioners shall order a fresh Election of Guardians for such Electoral Division, or shall declare the Place of such Guardian as aforesaid to be void, as the Case may be, and in such latter Case shall order a fresh Election of a Guardian in lieu of such Guardian as aforesaid: And whereas by the said secondly-recited Act the like Provision is extended to Wards formed for the Election of Guardians: And whereas it is desirable that the Power to order a fresh Election should be extended to all Cases of Vacancy in the Office of Guardian, but it is in certain Cases expedient that a fresh Election should not be ordered before the Period for the next annual Election; be it therefore enacted, That in every Case of Vacancy in the Office of Guardian the Commissioners shall order a fresh Election, if they think fit, but not otherwise, any thing in the said Acts to the contrary notwithstanding.

Persons convicted of certain Offences incapable of being Guardians.

XXII. And be it enacted, That no Person who has been convicted of Felony, Fraud, or Perjury, nor any Person who has been adjudged to be liable to any Forfeiture for having provided, furnished, or supplied for his own Profit any Materials, Goods, or Provisions for the

Use of any Workhouse, or for having been concerned in furnishing or supplying the same, or in any Contract relating thereto, shall be capable of being elected or appointed or of acting as a Guardian.

Disputes as to Elections of Guardians may be determined by the Commissioners.

Certiorari.

XXIII. And be it enacted, That in case any Question arise as to the Right of any Person to act as an Elective Guardian it shall be lawful for the said Commissioners, if they see fit, to inquire into the Circumstances of the Case, and to issue such Order or Orders therein, under their Hands and Seal, as they may deem requisite for determining the Question; and no such Order shall be liable to be removed by Writ of Certiorari into the Court of Queen's Bench, unless the Application for such Writ be made during the Term next after the issuing of such Order.

Owners and Proxies to make their Claims One Month before voting.

XXIV. And whereas by the said first-recited Act it is provided, that no Rate-payer shall be entitled to vote, either in Person or Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation, unless he or his Proxy shall, One Week at the least previous to the Day on which he shall claim to vote, have given a Statement in Writing of his Name and Address, and the Description of the Property in respect of which he claims to vote, and of his Interest therein, and if such Proxy shall claim to vote, the original or an attested Copy of the Writing appointing such Proxy, to the Guardians, or some Person acting as the Returning Officer of the Election of Guardians: And whereas the Period of One Week between the giving of such Statements, Descriptions, and Writings, and the Day of the voting, is not sufficient for the due Examination of such Statements, Descriptions, and Writings; be it enacted, That no Rate-payer shall be entitled to vote as aforesaid, or to give such additional Vote as aforesaid, until One Calendar Month after the said Statement and Description, and in the Case of a Proxy until One Calendar Month after the said Original or Copy of his Appointment have been given to the Guardians or other Person as aforesaid.

Penalty for making or tendering false Voting Papers, &c., and for suppressing Voting Papers, &c.

XXV. And be it enacted, That if any Person shall knowingly and fraudulently, and with the Intent of giving a greater Number of Votes than he is by Law entitled to give, tender or forward to the Returning Officer a false Statement of the Grounds on which he claims to vote or give additional Votes, or shall forge, falsify, or knowingly and fraudulently alter, after Signature, any Paper containing a Statement of Claim to vote, Proxy, Nomination, or Vote for the Election of Guardians, or Refusal to serve the Office of Guardian, or shall conspire to forge, falsify, or so alter any such Paper, or shall knowingly tender or forward to the proper Officer any such Paper forged, falsified, or so altered as aforesaid, or shall wilfully suppress, carry off, destroy, or deface any Statement of Claim to vote, Proxy, or Nomination of a Candidate for the Office of Guardian, after the same shall be duly signed, or shall in like Manner suppress, carry off, destroy, or deface any Voting Paper after the same shall have been

issued by the Returning Officer, he shall forfeit not more than Ten Pounds, to be recovered as Penalties and Forfeitures under the said first-recited Act.

In what Case Returning Officer may refuse Vote.

XXVI. And be it declared and enacted, That if at any Election of Guardians the Returning Officer have reasonable Cause to doubt the Correctness of any Claim to vote made by any Person in respect of Rent received and retained by such Person, such Returning Officer shall not admit such Person to vote in such Election in respect of such Rent, until such Person produce Evidence to the Satisfaction of such Returning Officer of the Amount of such Rent.

Rate-payers and nominal Parties to be competent Witnesses.

XXVII. And be it enacted, That no Rate-payer or Person liable to be rated in any Union, and no Guardian or paid or unpaid Officer of any Union, being, as such Guardian or Officer, only a nominal Party to any Trial, Appeal, or other Proceeding, and liable only to contribute Costs in respect thereof in common with other Rate-payers of such Union, shall be disabled or prevented from giving Evidence on any Trial, Appeal, or other Proceeding, by reason only of his being such Rate-payer, or so liable to be rated, or of his being such a Party, or so liable to Costs as aforesaid.

Recited Acts and this Act to be construed as One Act.

XXVIII. And be it enacted, That the said recited Acts and this Act shall be construed as One Act, except so far as the Provisions of any one of such Acts may repeal or alter the Provisions of any previous Act.

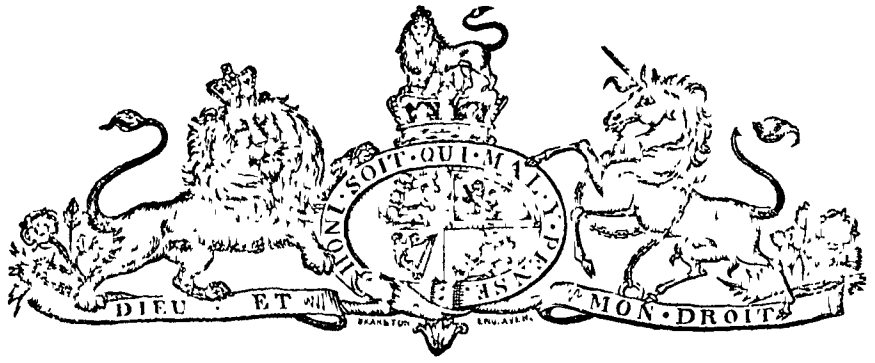
Act may be amended this Session.

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

DUBLIN,
CORK,
LIMERICK,
BELFAST, and
WATERFORD.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act to amend an Act of the Third and Fourth Years of Her present Majesty for the Regulation of Municipal Corporations in *Ireland*.

[24th *August* 1843.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, whereby it was amongst other things enacted, that the several and respective Collectors of the Poor Rates and of all Grand Jury and Municipal Cesses, Rates, and Taxes payable within any Borough in which the said Act should come into operation shall, on or before the Third Day of *September* in every Year, make out, or cause to be made out, according to a certain Form, an alphabetical List of all Persons who shall be subject to the Payment of such Poor Rate, Cesses, Rates, or Taxes within the Limits of such Borough, and within the Collection of the Person by whom or by whose Direction the same shall be made out; and that every such Collector shall sign the List so to be made out for his Collection, and cause a true Copy of such List to be prepared, and keep the same, to be perused by any Person, without Payment of any Fee, at all reasonable Times during the Ten Days next after

3 & 4 Vict. c. 108.

the said Third Day of *September*, and on the same Third Day of *September* deliver the List, so signed by him as aforesaid, to the Town Clerk of such Borough; and that such Town Clerk shall forthwith cause to be printed true Copies of every such List, and deliver One or more of such respective printed Copies to any Person applying for the same, on Payment of a reasonable Price not exceeding One Shilling for each Copy: And whereas the said Enactment has been found inconvenient and expensive, and it is expedient that the same should be repealed, and other Provision made in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Enactment shall be and the same is hereby repealed, save and except so far as relates to any Matter or Thing done in pursuance thereof before the passing of this Act.

The recited Enactment repealed.

Town Clerk to prepare a Book containing the Names of Persons entitled to be Burgesses, arranged alphabetically, according to the Form in the Schedule.

II. And be it enacted, That on or before the Eighth Day of *September* in every Year the Town Clerk of any Borough in which the said Act now is or hereafter shall come into operation shall, in a Book to be by him provided for that Purpose, enter the Names of all Persons who shall appear to be entitled to be enrolled as Burgesses of such Borough in the Burgess Roll then next to be made in right of Inhabitancy and Occupation and Rating according to the Provisions of the said recited Act, with the Premises in respect whereof they may be so entitled; and all such Names shall be arranged alphabetically, and numbered, beginning the Numbers from the first Name in such Book, and continuing them in a regular Series to the last Name in such Book; and such Book shall be made out according to the Form in the Schedule (A.) to this Act annexed, with so many Columns as may be necessary for the Insertion of the Particulars herein-after mentioned of the several Cesses, Rates, or Taxes payable within such Borough: Provided always, that in every Borough divided into Wards there shall be separate Books for each Ward, and that the Names of the Persons appearing to be entitled as aforesaid to be enrolled as Burgesses for such Borough shall be entered in the Book for the Ward wherein the Premises by the Inhabitancy, Occupation, and Rating whereof they may appear to be so entitled shall be situate; and the Town Clerk of such Borough shall, Two Days at the least before the said Eighth Day of *September* in every Year, summon or cause to be summoned the Collectors of all Rates for the Relief of the Poor, and of Grand Jury and Municipal Cesses, and of all Rates and Taxes payable in respect of Premises within such Borough, and also the Treasurer of such Borough, and, if there be no Treasurer, the Mayor of the said Borough, to attend at his Office, at such Time or Times within the Seven Days next succeeding the said Eighth Day of *September* as he shall think necessary, with all necessary Books, Papers, Vouchers, and Accounts; and they and each of them shall themselves or by their sufficient Deputies attend accordingly at the Office of the said Town Clerk, and shall, in such Order as the said Town Clerk shall direct for the more convenient Despatch of Business, enter in the Columns of the said Book appropriated to the Taxes, Rates, or Cesses within their Collection respectively

The Collectors of the several Taxes shall attend at the Office of the Town Clerk, and insert the Payments of such Taxes in the proper Columns.

tively the Amount of the last Tax, Rate, or Cess paid by each Person named in such Book, or paid on account of the Premises in respect whereof such Person may be entitled to be enrolled as aforesaid, and the Date of such Payment, and the Amount of the Tax, Rate, or Cess (if any) then due and unpaid by each such Person or in respect of such Premises as aforesaid, and the Date when the same became due and payable, and shall sign the said Columns; and on the Completion of the Entries so to be made in the said Book the said Town Clerk shall cause a Notice thereof to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, and shall keep the said Book in his said Office, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the last Ten Days of *September* (*Sunday* excepted), and shall deliver a Copy thereof, or any Extract therefrom, to any Person requiring the same, on Payment of a reasonable Price, not exceeding One Halfpenny for every Name, with the Entries attached thereto, which may be included in such Copy or Extract so required; and that such Copy or Extracts as aforesaid shall be delivered by the Town Clerk within Four Days from the Date of the Application.

Upon Completion of the Entries, the Town Clerk to give Notice thereof, and permit the Book to be perused and give Copies or Extracts.

III. And be it enacted, That any Mayor, Treasurer, or Collector who shall neglect to perform the Duties herein-before described shall forfeit a Sum not exceeding Twenty Pounds, to be recovered by Action in any one of the Superior Courts at *Dublin*, or by Civil Bill in any Court of Record having Jurisdiction within such Borough respectively, by any Person who shall sue for the same, one Half to be paid to the Person who shall sue for the same, and the other Half, after deducting the Expences of so suing, to be ascertained by such Court, to be paid to Her Majesty, Her Heirs and Successors.

Penalty on Mayor, &c. neglecting their Duties.

IV. And whereas it is expedient to alter the Times and Periods specified and limited by the said recited Act for doing several Matters thereby required or authorized to be done; be it therefore enacted, That on or before the Twentieth Day of *September*, instead of on or before the Fifth Day of *September* as in the said Act mentioned, in every Year, except the first, in which the said Act shall be or come into operation in any Borough, the Town Clerk of such Borough shall make out such Lists, as by the said Act directed, of all Persons entitled to be enrolled in the Burgess Roll of that Year within each Ward of such Borough, and sign the same: Provided always, that, in preparing such Lists, he shall exclude therefrom the Name of every Person who shall not appear by the Entries made in the Book herein-before mentioned by the several Collectors, Treasurer, or Mayor to have paid all Rates, Cesses, or Taxes by the said Act required to be paid in order to qualify such Person to be or to be enrolled as a Burgess of such Borough; and that he shall on the said Twentieth Day of *September*, instead of on the said Fifth Day of *September*, deliver a true Copy of such Lists, signed by himself, to the Mayor of such Borough; and that he shall himself keep such original List, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Twentieth and Thirtieth Days of *September*, instead of between the Fifth and Fifteenth Days of *September*, as in the said Act mentioned; and that he shall cause a Copy

The Days for doing several Acts required by 3 & 4 Vict. c. 108. altered.

a Copy of all such printed Lists as by the said Act he is required to cause to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, on every Day during the Eight Days next preceding the Fifteenth Day of *September* in every Year, to be so fixed on every Day during the Eight Days next preceding the First Day of *October* in every Year instead of the Eight Days preceding the Fifteenth Day of *September* as in the said Act mentioned; and that every Person whose Name shall be omitted in any such List as in the said Act mentioned, and who shall claim to have his Name inserted on the Burgess Roll, shall and may give Notice thereof to the Town Clerk (pursuant to the Directions of the said Act), on or before the First Day of *October* in every Year instead of on or before the Fifteenth Day of *September*, as in the said Act mentioned; and that every Person authorized under the Provisions of the said Act to object to any other Person as not being entitled to have his Name retained in the Burgess Roll for the same Borough, shall, on or before the First Day of *October*, instead of on or before the Fifteenth Day of *September* as in the said Act mentioned, in every Year, give to the Town Clerk of such Borough, and also to the Person objected to, or leave at the Premises in respect of which his Name shall have been inserted in such List, Notice thereof as in the said Act mentioned; and that the Town Clerk shall cause Copies of all such Lists of Persons so claiming, and of all Persons so objected to, as by the said Act he is required to cause to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, during the Eight Days next preceding the First Day of *October* in every Year, to be so fixed during the Eight Days next preceding the Twentieth Day of *October* in every Year instead of the Eight Days next preceding the First Day of *October* as in the said Act mentioned; and that he shall keep a Copy of the Names of all Persons so claiming, and a Copy of the Names of all Persons so objected to, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the Eight Days (*Sunday* excepted) next preceding the Twentieth Day of *October* in every Year, instead of during the Eight Days next preceding the First Day of *October* as in the said Act mentioned; and that the Court to be holden in each Borough in which the said Act shall come into or be in operation by the Barrister appointed as in the said Act mentioned, or by the Mayor and Two Assessors of the Borough, for the Purpose of revising the Lists in the said Act mentioned, shall be holden at some Time between the Twentieth Day of *October* and the Tenth Day of *November* inclusive in every Year, instead of between the First and Fifteenth Days of *October* as in the said Act mentioned; and that such Court may be adjourned from Time to Time so that no such adjourned Court shall be holden after the said Tenth Day of *November*, instead of the said Fifteenth Day of *October* as by the said Act provided; and that the Book by the said recited Act declared to be the Burgess Roll of each Borough shall be completed on or before the Twentieth Day of *November* in every Year, instead of on or before the Twenty-second Day of *October* in every Year; and that every such Book shall be the Burgess Roll of the Burgesses of such Borough entitled to vote after the passing of this Act in the Choice of the Aldermen and Councillors, Assessors and

and Auditors of such Borough, at any Election which may take place in such Borough between the Twenty-fifth Day of *November* inclusive in the Year wherein such Burgess Roll shall have been made and the Twenty-fifth Day of *November* in the succeeding Year, instead of between the Twenty-fifth Day of *October* inclusive in the Year wherein such Burgess Roll shall have been made and the Twenty-fifth Day of *October* in the succeeding Year as by the said Act provided, or until a new Burgess Roll shall have been made; and that the Election for Councillors and Aldermen in the first Year in which this Act shall come into operation in any Borough shall be held on the Twenty-fifth Day of *November*, instead of the Twenty-fifth Day of *October* as in the said Act mentioned; and that such Aldermen and Councillors as are by the Provisions of the said Act to go out of Office on the Twenty-fifth Day of *October* in each Year shall respectively after the passing of this Act go out of Office on the Twenty-fifth Day of *November*, instead of the Twenty-fifth Day of *October* as by the said Act provided; and that such Aldermen and Councillors as shall be needed to supply the Vacancies so created shall be elected on the said Twenty-fifth Day of *November* in each Year instead of the Twenty-fifth Day of *October* as by the said Act provided; and that the Two Auditors and the Two Assessors of each Borough, and the Two Assessors for each Ward in every Borough, shall, after the passing of this Act, be elected on the Third Day of *December* in each Year, instead of the Third Day of *November* as by the said Act provided; and that every such Auditor and Assessor shall continue in Office until the Tenth Day of *December* in the Year following his Election, instead of until the Tenth Day of *November* in such Year as by the said Act provided.

Time of Election and Entrance upon Office of the Mayor changed.

V. And be it enacted, That from and after the passing of this Act the Council of each Borough in which the said Act may now be or hereafter come into operation shall, on the First Day of *December* instead of the First Day of *November* in each Year as in the said Act mentioned, elect out of the Aldermen or Councillors of such Borough, in the Manner in the said Act directed, a fit Person to be the Mayor of such Borough, who shall enter upon the Office of Mayor of such Borough on the First Day of *January* next following, instead of on the Day of such Election as by the said Act provided, and shall continue in his Office for One whole Year from the said First Day of *January*, instead of from the Day of his Election as by the said Act provided, and until his Successor shall have accepted the Office of Mayor, and shall have made and subscribed the Declaration by Law required in that Behalf; and in case the Person so elected to such Office shall decline to accept the same, or having agreed to accept the same shall, after such Election, die, or become incapable of discharging the Duties of such Office, or cease to be an Alderman or Councillor of such Borough, the Council of the Borough shall, within Ten Days thereafter, elect out of the Aldermen or Councillors of the said Borough another fit Person to be the Mayor thereof for the ensuing Year, or the Residue thereof, as the Case may be; and at the like Times, instead of the Times in the said Act mentioned, the Board of Municipal Commissioners of any Borough shall elect out of the Commissioners of such Borough a fit Person to be the Chairman

of such Commissioners, who shall enter upon his Office and continue therein at and for the like Times as herein-before provided in respect of any Mayor.

When Election Day falls on a Sunday, the Election to be on Monday.

VI. Provided, and be it enacted, That whenever any Day appointed by any Provision of this Act as a Day of Election or for doing any Act shall happen to be *Sunday*, in every such Case the Election shall be holden and the Act done on the following *Monday*.

Extending the Power allowed to be exercised over the Lands, &c. with the Approbation of the Treasury.

VII. And be it enacted, That the Power of Disposition allowed by the said Act over the Lands, Tenements, and Hereditaments of any Body Corporate in the said Act mentioned, to be exercised with the Approbation of the Commissioners of Her Majesty's Treasury, or any Three of them, shall extend to the Disposition of such Lands, Tenements, and Hereditaments, with such Approbation as aforesaid, whether by way of absolute Sale or by way of Exchange, Mortgage, or Charge, Demise or Lease, and to every other Disposition of the same whatsoever, which shall be so approved of as aforesaid.

Councils of Boroughs, &c. may acquire Lands, &c. with the Consent of the Treasury.
9 G. 4. c. 82.

VIII. And be it enacted, That in every Case in which the Council of any Borough in *Ireland*, or Commissioners, elected under an Act passed in the Ninth Year of the Reign of His Majesty King *George* Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns, in* Ireland, *in certain Cases*, of Burghs in *Ireland*, shall deem it expedient to purchase or become possessed of for public Purposes any Lands, Tenements, or Hereditaments, it shall be lawful for such Council or Commissioners to represent the Circumstances of the Case to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Council or Commissioners so elected as aforesaid, with the Approbation of the said Commissioners of Her Majesty's Treasury, or of any Three of them, to purchase or become possessed of any Lands, Tenements, or Hereditaments in such Manner and on such Terms and Conditions as shall have been approved of by the said Commissioners as aforesaid: Provided always, that Notice of the Intention of the Council or Commissioners so elected as aforesaid to make such Application as aforesaid shall be inserted once at least in the *Dublin Gazette* and in some local Newspaper, and shall be fixed on the outer Door of the Town Hall, or in some public or conspicuous Place within the Borough, One Calendar Month at least before such Application; and a Copy of the Memorial intended to be sent to the said Commissioners of Her Majesty's Treasury shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess or Person entitled to vote at the Election of such Commissioners or Rate-payers of the Borough at all reasonable Hours during the same.

Notice of Application.

29 G. 3. (I.)

IX. And whereas by an Act of the *Irish* Parliament passed in the Session of Parliament held in the Twenty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better supplying the Inhabitants of certain Cities and Towns with Water*, it was enacted that the Chief Magistrate, Aldermen, or Bur-

gesses,

gesses, Sheriffs, Bailiffs, and Common Council, Recorder, and Representatives of every City or Town in this Kingdom which gives Title to the See of a Bishop or Archbishop, except the Cities of *Dublin*, *Cork*, and *Limerick*, together with the Dean and Chapter of such Bishoprick, Archbishoprick, and also the Chief Magistrate, Aldermen, or Burgesses, and Representatives of every Town Corporate, should be Commissioners for the making of any Watercourse, Cut, Drain, Ditch, Trench, Dam, or Passage for the Purpose of conveying Water to such City or Town, with certain Powers as in said Act particularly mentioned: And whereas by an Act of the Parliament of *Ireland*, passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain and amend an Act passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled 'An Act for the better supplying the Inhabitants of 'certain Cities and Towns with Water,'* it was enacted, that it should be lawful for the Commissioners in the said Act named, or any Three of them, the Dean, Sub-Dean, or Chief Magistrate of any Town Corporate being one, to enter into Agreements with the Occupier of any House in any City or Town Corporate (to which Pipes should be brought by virtue of the said Act) for the laying of a Pipe to supply the said House with Water: And whereas it was by the said Act further enacted, that if any Occupier of any such House should neglect or refuse to pay the annual Rents so agreed upon for Twenty-one Days after personal Demand, or in Writing left at the usual Place of Abode or Occupation of the Person so directed to pay, it should be lawful for the said Commissioners, or their Officer or Receiver, by Warrant under the Hand and Seal of the Chief Magistrate, which Warrant the Chief Magistrate was thereby authorized and required to grant, to enter into the House of the Person so chargeable, and to distrain his Goods and Chattels, with certain Powers of Sale of the said Distress as therein mentioned: And whereas by the said recited Act for the Regulation of Municipal Corporations in *Ireland* it was amongst other things enacted, that all Powers and Trusts, not otherwise therein provided for, which by any Act of Parliament or otherwise are vested in or exercised by any Body Corporate named in the Schedule (B.) to that Act annexed which shall be dissolved by virtue of that Act, or any Member or Members thereof, in his or their corporate Capacity, or any limited Number, Class, or Description thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate, or any of them, or any Person or Persons selected by such Body Corporate, or any Member or Members thereof, shall, upon the Day on which such Body Corporate respectively shall be dissolved, and thenceforth until the Grant of a Charter of Incorporation as therein-before directed, and the Election of a Council thereunder, or until Parliament shall otherwise provide, be exercised in manner hereinafter mentioned; (that is to say,) such of the said Powers relate to the Appointment of Justices of the Peace or Magistrates, to the Appointment of other Officers for the Administration of Justice or in anywise relating thereto, or to the Appointment of Constables or other Persons for Purposes relating to Police, shall be exercised by the Lord Lieutenant as if he had been named in such Act respectively, instead of such Body Corporate, or Member or Members,

34 G. 3. (I.)

3 & 4 Vict. c. 108. s. 117.

Members, Person or Persons; and all other of the said Powers not otherwise therein provided for shall be exercised alone, or together with such other Persons (if any) as would have been entitled to join in exercising the same if that Act had not been passed by the said Commissioners: And whereas it is expedient to amend the said Enactments; be it therefore enacted, That the Power and Authority by the said Act of the Parliament of *Ireland* passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third given to the Chief Magistrate of any Body Corporate dissolved by virtue of the said Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of our Sovereign Lady Queen *Victoria* shall, until the Grant of a Charter of Incorporation as in the said Act directed, and the Election of a Town Council thereunder, or until Parliament shall otherwise provide, be exercised by the Chairman of the Commissioners elected under the said Act of the Ninth Year of the Reign of King *George* the Fourth, or by the Chairman of the Municipal Commissioners acting or to be elected in such Borough in pursuance of the said recited Act for the better Regulation of Municipal Corporations in *Ireland*, as the Case may be, or in default of there being either of such Commissioners elected in such Borough, then by such Justice or Justices of the Peace, having Jurisdiction within such Borough or Place, as for the Time being shall be appointed by the said Lord Lieutenant by Warrant under his Hand.

Powers of dissolved Corporations under 34 G. 3. (I.) may be exercised by Commissioners or Justices until other Provision made.

X. And whereas divers Provisions were made by the said recited Act in reference to and dependent upon the Election of Commissioners in certain Boroughs under the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns, in* Ireland, *in certain Cases*: And whereas it was by the said last-recited Act provided, that, at any Meeting convened as by that Act is directed for the Purpose of carrying the same into execution, every Person who shall reside within the City, Town Corporate, Borough, Market Town, or other Town where such Meeting shall be held, or, when the Limits of any Town shall not be defined, who shall reside within a certain Distance in the said Act mentioned, and who shall have been assessed or charged, by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Five Pounds or more, shall be admitted and entitled to vote, and no other Person whatsoever; and it was also provided by the said last-recited Act, that every Person resident as aforesaid, who shall have been assessed or charged by a like Vestry Rate for or in respect of a Dwelling House of the computed annual Value according to such Rate of Twenty Pounds or more, shall be eligible to be elected a Commissioner for the Purposes of the said Act at the first Election of Commissioners under the said Act: And whereas no such Vestry Rate as in the said Act mentioned has been made in many Parishes within which such Boroughs are respectively situate, and by reason thereof the Election of Commissioners under the Provisions of the said Act is liable to be questioned, and such Provisions of the said recited

9 G. 4. c. 82.

recited Act for the Regulation of Municipal Corporations in *Ireland* as depend upon the Election of Commissioners under the said Act of the Ninth Year of the Reign of King *George* the Fourth have become or may become ineffectual; for Remedy whereof be it enacted, That in every Case in which, at any Meeting convened pursuant to the Provisions of the said last-recited Act for the Purpose of carrying the same into execution in any City, Town Corporate, Borough, or Town, an Election of Commissioners shall have been made, and the Persons so in fact elected Commissioners for the Purposes of the said Act, or any of them, shall have acted as such, and shall, or the Successors of whom shall, be at the Time of the passing of this Act, acting as Commissioners in the Execution of the said Act, such Persons shall be and be deemed and taken to have been duly elected at and from the Time when such Election did in fact take place, and that all Acts, Contracts, Proceedings, Rates, Assessments, Matters, and Things heretofore *bonâ fide* made, done, authorized, or performed by any Commissioners so first elected, and all subsequent Elections of Commissioners under the said Act, and all things done by them, shall have and be deemed and taken to have had the same Force and Validity which they would have or have had if there had been within the Parish or Parishes wherein any such Borough may be situate such a Vestry Rate as in the said Act mentioned, and as if each of the Persons so first elected Commissioners had been assessed or charged thereby for or in respect of a Dwelling House or other Tenement of the computed annual Value according to the said Rate of Twenty Pounds or more, and as if the Persons admitted to vote at the Meeting whereat such Election may have taken place had each of them been assessed or charged by such Rate for or in respect of a Dwelling House or other Tenement of the computed annual Value according to the said Rate of Five Pounds or upwards.

Existing Elections declared valid in certain Cases;

XI. Provided always, and be it enacted, That nothing herein shall apply or extend to any Election of Commissioners which shall have been at any Time heretofore declared or adjudged invalid by any Court of competent Jurisdiction.

but not Elections heretofore declared invalid.

XII. And be it enacted, That those Parts of the said recited Act of the Ninth Year of the Reign of King *George* the Fourth which make it necessary, to entitle any Person to vote at any Meeting convened under the Provisions of the said Act, or to render any Person eligible to be elected a Commissioner at the first Election of Commissioners under the said Act, that such Person shall be or have been charged or assessed by the last Rate made at Vestry, in the Parish wherein he may dwell, for or in respect of a Dwelling House or other Tenement in any Amount whatsoever, shall be and the same is hereby repealed, without Prejudice nevertheless to any thing done or Election made previous to the passing of this Act.

So much of the 9 G. 4. c. 82. as relates to the Vestry Rate repealed.

XIII. And be it enacted, That at any Meeting convened after the passing of this Act for the Purpose of carrying the said last-recited Act into execution, or any Adjournment thereof, no Person shall be admitted or entitled to vote unless he shall have been rated under the Act for the more effectual Relief of the destitute Poor in *Ireland*,

Qualification of Voter;

land, or any Act amending the same, by the last Rate made in the Union wherein he shall dwell, in respect of Lands, Tenements, or Hereditaments of the net annual Value of Five Pounds or upwards, nor unless he shall have paid all such Poor Rate as shall have become legally due and been demanded from him; and that no Person shall be eligible to be elected a Commissioner at the first Election of Commissioners under the said Act unless he shall have been so rated to the Relief of the Poor by the last Rate made in the Union wherein he shall dwell, in respect of Lands, Tenements, or Hereditaments of the net annual Value of Twenty Pounds or upwards, nor unless he shall have paid all such Poor Rate as shall have become legally due and been demanded from him.

of Commissioner.

Right of voting shall be decided by Chairman at Meeting.

Clerk to Guardians to attend with Valuation Book to assist Chairman.

Clerk refusing or neglecting, to forfeit for each Offence 20*l.* and Costs.

XIV. And be it enacted, That if any Controversy shall arise at any such Meeting or Election as to the Qualification, or Right of Voting, or Eligibility of any Person, such Controversy shall be determined by reference to the Rate Book or Rate Books of the Guardians of the Poor Law of the Union or Unions in which such City, Town Corporate, Borough, Market Town, or other Town is situate; and for this Purpose the Clerk to the Guardians of each such Union shall attend such Meeting and Election, and shall then and there produce the Rate or Valuation Book of such Union, in order that Reference may be had thereto, if necessary, as aforesaid, and shall point out to the Person or Persons presiding at such Meeting the Entry in the said Book of Rating of the Person whose Vote or Eligibility shall so be in Controversy as aforesaid; and the Person or Persons so presiding at such Meeting as aforesaid shall give Judgment accordingly; and if any Clerk of any Union shall refuse or neglect to attend any such Meeting or Election so convened as aforesaid, he having been required to do so by a Notice in Writing signed by the Person or Persons authorized to preside at such Meeting or Election, or by any One of them, such Notice being either served upon him personally, or left for him at the Workhouse of such Union, he shall, on being convicted thereof before any Two or more Justices of the Peace, forfeit and pay any Sum not exceeding Twenty Pounds, together with the Costs of suing for and recovering or levying the same, to be recovered and levied in like Manner as all other Forfeitures, Fines, or Penalties are made recoverable, and directed to be levied by the said Act.

The Registry which the Commissioners are to keep of 5*l.* and of 20*l.* Householders shall be framed with reference to the Poor Rates Valuation.

XV. And be it enacted, That in framing the Registry, which the Commissioners acting in the Execution of the said Act are thereby required to keep, and from Time to Time to revise and amend, of Householders occupying Houses of the annual Value of Five Pounds or upwards, and of Householders occupying Houses of the annual Value of Twenty Pounds or upwards, such Commissioners shall have regard to the Valuation made for the Purposes of the Poor Rate under the said recited Act for the more effectual Relief of the destitute Poor in *Ireland*, or any Act amending the same; and that the annual Value of Five Pounds and upwards and the annual Value of Twenty Pounds or upwards with reference to which such Registry is to be formed shall be deemed and taken to be the net annual Value as ascertained by the Valuation made for the Purposes of the said last-mentioned Act or Acts.

XVI. And

So much of 9 G. 4. c. 82. as directs the Commissioners to make a Valuation for the Purposes of the Act repealed.

XVI. And be it enacted, That those Parts of the said recited Act which direct or require the Commissioners acting in execution thereof to make a Survey and Valuation for the Purposes of the said Act, and as direct the Rates and Assessments which such Commissioners are authorized to levy to be applotted in certain Proportions according to such Valuation, shall be and the same are hereby repealed, without Prejudice nevertheless to any Applotment heretofore made, or to the Recovery of any Rate or Assessment payable thereunder.

The Poor Rate Valuation shall be used instead.

XVII. And be it enacted, That from and after the passing of this Act every Rate to be at any Time made by any Commissioners now or hereafter acting in the Execution of the said Act of the Ninth Year of King *George* the Fourth shall be applotted, raised, and levied on the Owners, Occupiers, and Tenants of the Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements liable to be rated and assessed under the Provisions of the said Act according to the net annual Value thereof respectively as the same now are or shall from Time to Time be hereafter valued and rated under the said recited Act for the more effectual Relief of the destitute Poor in *Ireland*, or any Act or Acts amending the same: Provided always, that nothing herein contained shall extend to or affect the Provisions made by the said Act as to the relative Proportions of the said Rates to be imposed upon Premises of different Value, or any other Provision of the said Act in respect of such Rates, save only as hereinbefore provided in respect of the Substitution of the Valuation under the said Act for the more effectual Relief of the destitute Poor, for a Valuation to be made by the Commissioners for the special Purposes of the said Act of the Ninth Year of King *George* the Fourth.

Proviso.

Supplemental Valuations.

XVIII. And whereas certain Hereditaments by the herein-before recited Act of the Ninth Year of King *George* the Fourth made chargeable for the Purposes of the said Act may not be rateable for the Relief of the Poor, and upon that Ground have not been or may not have been included in the Valuation made for the Purpose of Poor Rates; and it is expedient that all such Property, although not so rateable, should be valued in like Manner and upon the same Scale as that which is so rateable or rated: And whereas in the Valuation made for the Purpose of Poor Rates Dwelling Houses may be in certain Cases valued together with Property not comprehended in that Term, and a separate Valuation of such Dwelling Houses is necessary for certain Purposes of the said Act; be it therefore enacted, That in all Cases of Property which is or shall be liable to the Payment of any Rate or Assessment under the Provisions of the herein-before recited Act, and which is or shall be by Law exempted from the Rate, or not rateable to or which shall not be included in the Rate for the Relief of the Poor in the Union wherein the same may be situate, and in the Case of Dwelling Houses valued together with other Property, the Poor Law Commissioners shall cause to be made and declared separate Valuations of all or any such Property and Dwelling Houses situate in any Ward or Townland, or other Denomination proper for that Purpose within the Union, in like Manner as by Law they now are or hereafter may be authorized, required, or directed with respect to Hereditaments liable to be rated as aforesaid; and

and every such separate Valuation of Property not liable to be rated to the Relief of the Poor shall contain in a separate Column a Statement of the Ground of such Exemption; and all such separate Valuations, when made, shall be subject in all respects to the like Right of Appeal, Regulations, Additions, or Alterations, and shall be of like Force and Effect, under the Provision of this Act, as any Valuation made for the Purposes of a Rate for the Relief of the Poor, as nearly as the Circumstances of the Case will admit; and Copies of such separate Valuations shall be furnished by the Clerk of the Guardians of the Poor of such Union in the same Manner and within the same Period as is herein-after directed with respect to Copies of the Rates.

Copies of Valuations.

XIX. And be it enacted, That within Twenty-one Days after the first Election of Commissioners under the Provisions of the said Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth in any City, Borough, or Town wherein such Act may not now be in operation, and on or before the First Day of *August* in every Year in each City, Borough, or Town where the said Act may now or then be in operation, the Clerk of the Guardians of the Poor of each Union situate wholly or in part within such City, Borough, or Town, or within the Limits of the Jurisdiction of the said Commissioners, shall make out a true and perfect Copy of the then last made Rate for the Relief of the Poor therein, and of such supplemental or separate Valuations as are herein-before directed to be made, or of so much of them or either of them as shall relate to any Property liable to be rated under the Provisions of the said recited Act, and as shall be required by the said Commissioners, and shall deliver the same, attested and certified by him, to the said Commissioners; and such Clerk of the Guardians of each Union as aforesaid, from Time to Time, and as often as any Additions to or Alterations in the said Rate for the Relief of the Poor shall have been made, whether by Appeal or otherwise, shall, within Ten Days after such Rate and supplemental Valuation shall have been so added to or altered, make true and perfect Copies of such Additions or Alterations, and deliver the same, attested and certified by him, to the said Commissioners.

Entry of Rate or a certified Copy thereof, Evidence.

XX. And be it enacted, That the Entry of such Rate or supplemental Valuation, or in the Absence of the Original such attested and certified Copy of such Rate or supplemental Valuation, Addition, or Alteration as aforesaid, shall in all Cases be and be deemed and taken to be conclusive Evidence of all the Matters contained therein.

Applications may be made to the Lord Lieutenant for adopting the Provisions of Act 9 G. 4. c. 82., notwithstanding the Determina-

XXI. And whereas it was by the said recited Act provided, that if any Meeting convened pursuant to the Provisions of the said Act should determine against adopting and acting upon the Provisions of the said Act, such Meeting should adjourn *sine die;* and that it should not be competent for any Householders within the same City, Borough, or Town to make any such Application as in the said Act described, nor should any such Orders and Directions as in the said Act mentioned issue for convening a like Meeting within the same City, Borough, or Town for and during the Term of Three Years,

computed

computed from the Term of Adjournment aforesaid; and that at and after the Completion of such Term it should become again competent to make such Application, and thereon to issue such Orders and Directions as aforesaid: And whereas it is expedient, with regard to the Operation of the said Act for the Regulation of Municipal Corporations in *Ireland*, to authorize the Adoption of the Provisions of the said Act of the Ninth Year of King *George* the Fourth, notwithstanding a previous Determination of any Meeting convened as aforesaid to the contrary; be it therefore enacted, That at any Time within Twelve Calendar Months next after the passing of this Act it shall and may be competent, notwithstanding any such previous Proceedings under the said Act within Three Years then unexpired, for the Householders in any City, Borough, or Town to make such Application as in the said Act mentioned, and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to give such Orders and Directions as in the said Act mentioned; and that thereupon all such and the like Proceedings shall and may be had as if the Term of Three Years from Adjournment of any such former Meeting had expired, or as if no such Meeting had been at any Time held in such City, Borough, or Town.

tion of any Meeting previously held under that Act;

and the Lord Lieutenant may give Directions accordingly.

XXII. And whereas under and by virtue of said recited Act of the Third and Fourth Years of the Reign of Her present Majesty the Council of any Borough in *Ireland*, in the Cases in said Act mentioned, is authorized and required from Time to Time to order a Borough Rate to be made within the Borough, and for that Purpose the Council of such Borough shall have within their Borough all the Powers and Authorities which any Commissioners in any Borough in *Ireland* have within the Limits of their Commission by virtue of the said recited Act of the Ninth Year of the Reign of King *George* the Fourth, and should observe and preserve the Provisions thereof as if the same were therein recited: And whereas the Mode prescribed for the Recovery of Rates under the said recited Act is Distress and Sale of the Goods distrained for Nonpayment of same, and it is expedient to extend the Mode of Recovery of Rates, as well as those to be made under the said recited Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth as those to be made in pursuance of the said recited Act of the Third and Fourth Years of the Reign of Her Majesty Queen *Victoria*; be it therefore enacted, That it shall and may be lawful to and for the Council of any Borough, or the said Commissioners acting under the said recited Act of the Ninth Year of His Majesty King *George* the Fourth, where any Rate shall hereafter be made pursuant to said recited Acts, or either of them, shall be in arrear and unpaid by the Owners, Occupiers, or Tenants of any Hereditament on which same shall be chargeable or payable out of, and where such Rate so in arrear shall not exceed the Sum of Twenty Pounds, to proceed for Recovery of same against the Party liable by Civil Bill before the Assistant Barrister or Recorder having Jurisdiction for Trials by Civil Bill in the County, County of the Town, City, or Borough where the Hereditament or Tenement on which said Rate so in arrear is chargeable shall be situate, and such Assistant Barrister or Recorder, as the Case may be, shall have Power to hold Plea thereof, and the same shall and may be proceeded on in like Manner in all respects,

Recovery of Rates by Civil Bill.

and the like Decree or Judgment and Execution shall and may be had thereon, and also the like Benefit of Appeal, and of Proceedings, Judgment, and Execution thereon, as in Case of any other Sum or Demand which may now by Law be had or used before such Judge: Provided always, that in case of such Civil Bill Proceedings by any Council of any Borough, same shall be brought in the Name, Style, and Title of the Corporate Body of such Borough as Plaintiffs, and in case of such Proceedings by any Commissioners acting under the said recited Act, same shall be brought in the Name of the Chairman of said Commissioners acting as such Chairman at the Time such Civil Bill Proceeding shall be commenced, and styling him as such Chairman.

Polling at Elections of Commissioners.

XXIII. And whereas by an Act passed in the Ninth Year of the Reign of His Majesty *George* the Fourth, intituled *An Act to make Provision for the lighting and cleansing of Towns in* Ireland, the Mode of Election of Commissioners therein provided directs, "that if the Votes of all the Persons duly qualified and desirous to vote cannot be conveniently collected and registered by Four of the Clock of the same Day upon which the said Poll shall have been commenced, then the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall adjourn such Poll to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following; and if such Second Day shall likewise prove insufficient, shall adjourn to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and so proceed *de die in diem* to collect and register the Votes of all Persons duly qualified and applying to vote:" And whereas great Inconvenience has arisen from the Length of Time the Poll has been kept open, and it is expedient to alter and abridge the same; be it enacted, That where a Poll has been demanded under the Powers given by above-mentioned Act, such Poll shall commence at the Hour of Ten o'Clock in the Forenoon of the Day next succeeding, unless such Day shall be *Saturday* or *Sunday*, and in that Case on the *Monday* following; and if the Votes of all the Persons duly qualified and desirous to vote cannot be conveniently collected and registered by Four of the Clock of the same Day upon which the said Poll shall have been commenced, then the Mayor or other Chief Magistrate or Justices, as the Case may be, shall adjourn such Poll to the next succeeding Day, and so proceed to collect and register the Votes of all Persons duly qualified and applying to vote; and on the Day to which such Adjournment shall be made the Poll shall open at Ten of the Clock in the Forenoon, and close at Four of the Clock in the Afternoon: Provided nevertheless, that the Poll shall finally close so soon as all the Persons duly qualified and desirous to vote shall have voted, or after the Lapse of One Hour without any Person offering to vote.

Appointment of Commissioners to receive Affidavits and take Bail in Galway Borough Court.

XXIV. And whereas there is no Mayor or Municipal Corporation in the County of the Town of *Galway*, and Suitors in the Borough Court of the said Town are put to serious Loss and Inconvenience for Want of Commissioners by whom Affidavits may be received and Bail taken in Suits instituted in the said Court, so much so as to render the said Court nearly useless to the Inhabitants of the said Borough;

Borough; be it therefore enacted, That it shall and may be lawful to and for the Recorder of the said Borough to appoint Two fit and proper Persons to act as Commissioners for receiving Affidavits and special Bail in and for the said Borough Court, in like Manner as Commissioners for similar Purposes are appointed by the Judges of the Superior Courts of Record in *Dublin*.

Jurisdiction of Assistant Barrister for Louth extended to Drogheda.

XXV. And be it enacted, That from and after the passing of this Act the Assistant Barrister for the Time being of the County of *Louth* shall have Criminal Jurisdiction in and for the County of the Town of *Drogheda* as fully as he has in and for the said County of *Louth*, and shall and may exercise such Jurisdiction together with the Justices assigned to keep the Peace within the said County of the Town of *Drogheda*; and that a General Sessions of the Peace shall be from Time to Time holden in and for the said County of the Town of *Drogheda*, either immediately before or after the Sessions of the Peace for the County of *Louth* from Time to Time holden under the Laws now in force in the said Town of *Drogheda* by the said Assistant Barrister, for the Purpose of hearing and determining Causes in a summary Way by Civil Bill; and that such Court of General Sessions of the Peace so to be holden in and for the said County of the Town of *Drogheda* shall have all and every the Jurisdictions, Powers, and Authorities which may by Law or Statute belong to any Court of General Sessions of the Peace holden in any County of a City or County of a Town or Borough in *Ireland*.

Municipal Commissioners for Carrickfergus.

XXVI. And whereas, by virtue of the Provisions of the said recited Act for the better Regulation of Municipal Corporations in *Ireland*, the Body Corporate named in the Schedule (B.) to the said Act annexed in conjunction with the Borough of *Carrickfergus* was dissolved on the Twenty-fifth Day of *October* One thousand eight hundred and forty-one, and the said Act then came into operation within the said Borough: And whereas it was by the said recited Act provided, that on the said Twenty-fifth Day of *October* One thousand eight hundred and forty-one, in any Borough named in the Schedule (G.) to the said Act annexed in which there should not then have been elected Commissioners under the therein recited Act of the Ninth Year of the Reign of King *George* the Fourth, there should be constituted, according to the Provisions therein-after contained, a Board of Commissioners for the Disposition of the Property of the Body Corporate named as aforesaid in conjunction with such Borough, to be called the Municipal Commissioners of such Borough, until the Grant of a Charter of Incorporation, or the Election of Commissioners under the Act of the Ninth Year of King *George* the Fourth therein mentioned: And whereas the said Borough of *Carrickfergus* is one of the Boroughs named in the said Schedule (G.), and no Commissioners were, on the said Twenty-fifth Day of *October* One thousand eight hundred and forty-one, nor are any now elected in or for such Borough under the said Act of the Ninth Year of the Reign of King *George* the Fourth: And whereas under the Provisions of the said Act for the Regulation of Municipal Corporations in *Ireland* it was among other things required, in order to entitle any Person to vote at the Election of Municipal Commissioners in any Borough, that he should have been rated to the Relief of the Poor,

Poor, in respect of Premises within such Borough, for the Space of Twelve Calendar Months at the least next preceding the last Day of *August* in the said Year One thousand eight hundred and forty-one: And whereas no Rate for the Relief of the Poor was made in the Union whereof the said Borough of *Carrickfergus* is an Electoral Division until the Seventh Day of *December* One thousand eight hundred and forty-two, and by reason thereof the Provisions of the said Act for the Constitution of Municipal Commissioners within the said Borough have been rendered ineffectual; be it therefore enacted, That in this present Year a Board of Municipal Commissioners shall be constituted in the said Borough of *Carrickfergus*, in like Manner as such Board might or ought to have been constituted therein in the said Year One thousand eight hundred and forty-one, if a Rate for the Relief of the Poor had been made in the Union whereof the said Borough is an Electoral Division Twelve Calendar Months previous to the said last Day of *August* in the said Year One thousand eight hundred and forty-one; and that all and every the Provisions of the said recited Act for the better Regulation of Municipal Corporations in *Ireland* relative to the electing and appointing of Municipal Commissioners in the said Year One thousand eight hundred and forty-one shall apply and extend to the Election and Appointment of Municipal Commissioners for the said Borough of *Carrickfergus* in this present Year, save as such Provisions may be altered by this Act; and that all Acts, Matters, and Things directed or required to be done in the first Year in which the said Act should come into operation in any Borough shall, save as aforesaid, be done in this present Year in the said Borough of *Carrickfergus*, as if the said Act had come into operation in the said Borough in this present Year; and provided also, that every Person otherwise qualified to vote at the Election of Municipal Commissioners for the said Borough shall be entitled to vote at the Election of such Commissioners in this present Year, who shall have been rated to the Relief of the Poor in respect of such Premises as in the said Act mentioned for the Space of Six Calendar Months next preceding the last Day of *August* in this present Year, instead of Twelve Calendar Months, as by the said Act required; and that from and immediately after the Appointment of such Municipal Commissioners under this Act all the Lands, Tenements, Estates, and Property, real or personal, which were vested in the said late dissolved Body Corporate named in the Schedule (B.) to such recited Act annexed in conjunction with the Borough of *Carrickfergus*, and all Rents, Issues, and Profits that have accrued thereout since the Dissolution of the said Corporate Body, shall become vested in the said Municipal Commissioners and their Successors; and that the said Municipal Commissioners and their Successors shall have such and the same Estate and Interest therein, and such and the same Title thereto, as against all Persons and Bodies Corporate and Politic, including the Queen's most Excellent Majesty, Her Heirs and Successors, as was vested in the said late dissolved Body Corporate at or immediately before the Dissolution thereof, subject nevertheless to the same Leases, Charges, and Incumbrances, or such of them or such Part thereof as are still subsisting, as the same were subject to in the Hands of the said late dissolved Body Corporate: Provided always, that upon the Grant of any such Charter of Incorporation as in the said Act

mentioned, or upon the Election of Commissioners under the said Act of the Ninth Year of King *George* the Fourth, such Board of Commissioners shall cease, and all the said Estate and any Accumulation thereof shall forthwith, without any Conveyance thereof, vest in the Body so incorporated, or in the Commissioners elected under the said Act of the Ninth Year of King *George* the Fourth where no such Charter shall then have been granted, as the Case may be; and in case such Estate and Accumulation shall so have vested in such Commissioners under the said Act of the Ninth Year of King *George* the Fourth, the same shall be applied by such Commissioners in aid of the Rates to be levied by them under the said Act, and the Surplus thereof, if any, shall be applied by them for the public Benefit of the Inhabitants and Improvement of the Borough until such Charter may at any Time afterwards be granted; and upon the Grant of any such Charter, and the Election of a Council under its Provisions, the Powers of the said Commissioners as to the said Estate shall cease, and all the said Estate and any Accumulation thereof shall forthwith, without any Conveyance thereof, vest in the Body so incorporated.

What deemed sufficient Occupation and Payment of Rates to entitle a Person to be enrolled on the Burgess Roll.

XXVII. And whereas by the said first-recited Act it is enacted, that after the same should come into operation in every Borough named in Schedule (A.) to such Act annexed, and also in any Borough named in Schedule (B.) thereto annexed, or other Town to which a Charter of Incorporation under the said Act should be granted, every Man of full Age who on the last Day of *August* in any Year should be an Inhabitant Householder, and should for Six Calendar Months previous thereto have been resident as such within such Borough, or within Seven Statute Miles of such Borough, and who should occupy within such Borough any House, Warehouse, Counting House, or Shop, which, either separately or jointly with any Land within such Borough occupied therewith by him as Tenant or occupied by him therewith as Owner, should be of the clear yearly Value of not less than Ten Pounds, determined in manner in the said Act mentioned, should, if duly enrolled according to the Provisions in such Act contained, be a Burgess of such Borough; provided that no such Occupier should be admitted to be enrolled as a Burgess unless he should have been rated to the Relief of the Poor under the Act made for the Relief of the destitute Poor in *Ireland*, and should have occupied such Premises within the said Borough, or other Premises of the like Nature, and rated as aforesaid, for the Space of Twelve Calendar Months at the least next preceding such last Day of *August*: And whereas Doubts have arisen how far any Misnomer or inaccurate or insufficient Description in a Rate of the Person occupying any such Premises as in the said recited Act are mentioned, or any inaccurate Description of the Premises so occupied, has the Effect of preventing any such Person from being enrolled as a Burgess and entitled to vote in respect of such Premises in any Year; be it therefore declared and enacted, That where any Person shall have occupied such Premises as in the said recited Act are mentioned for Twelve Calendar Months next previous to the last Day of *August* in any Year, and such Person, being the Person liable to be rated for such Premises, shall have been *bonâ fide* called upon in respect of such Premises to pay and

shall have *bonâ fide* paid, on or before the last Day of *August* in such Year, all Rates for the Relief of the Poor made in respect of such Premises which he would be required to pay in order to be enrolled as a Burgess for such Borough if he had been named in such Rate as the Occupier of such Premises, such Person shall be considered as having been rated to the Relief of the Poor and paid all such Rates in respect of such Premises within the Meaning of the said recited Act, and be entitled, if otherwise qualified, to be enrolled as a Burgess of such Borough in respect of such Premises in any Year, any Misnomer or insufficient Description in any Rate of the Person so occupying or of the Premises occupied notwithstanding.

Appeals and Applications as to Claims of Admission and Enrolment may be consolidated.

XXVIII. And whereas by the said first-recited Act it was enacted, that it should be lawful for any Person, whose Claim shall have been rejected or Name expunged at the Revision of the Burgess Roll of any of the said Boroughs, to apply before the End of the Term then next following to the Court of Queen's Bench in *Ireland*, for a Mandamus to the Mayor for the Time being of that Borough to insert his Name upon the Burgess Roll for such Ward as should be named in the Application, and thereupon for the Court to inquire into the Title of the Applicant so enrolled, and if the Court should award such Mandamus the Mayor should be bound to insert the Name at the End of the Burgess Roll, with the Addition of the Ward for which such Ward was so ordered to be inserted as therein mentioned, and that thereupon the Person whose Name should be so added to the Burgess Roll should be deemed a Burgess, and that upon every such Application the Court should have Power to make such Order with respect to the Costs as to the Court shall seem fit; and by the same Act it was enacted, that the Right of every Person who should have been admitted and enrolled upon the Burgess Roll might be questioned by any Burgess by Appeal, in like Manner and subject to the like Provisions as to Costs and Alteration of the Roll as were therein-before contained with respect to the Appeal against the Admission of any Person upon the Freeman's Roll; be it enacted, That if the Right of any Number of Persons whose Claims have been rejected or Names expunged at the Revision of any Burgess Roll shall have been determined on the same Point or Points of Law, it shall be lawful for such Persons to consolidate their Appeals to be made under the said recited Act, and to join in an Application to the Court of Queen's Bench to be made as by the said Act provided; and if the Right of any Number of Persons who shall have been admitted and enrolled upon the Burgess Roll shall be questioned by any Burgess upon the same Point or Points of Law, it shall be lawful for such Burgess to consolidate the Appeal against the Right of such Persons, and to include the Names of all such Persons in the same Application to the said Court; and the said Court shall have full Power and Authority to hear and determine on every such Application or Appeal, and make such Order thereon as such Court would have Power to do if each of such Persons whose Claims shall have been so rejected or Names expunged had made a separate Application, and as if a separate Appeal and Application had been made in respect to each of such Persons whose Right to have been admitted and enrolled upon such Burgess Roll shall be questioned; and the Order of the said Court shall, as to the respective Persons

making such Application and as to the respective Persons whose Right shall be so questioned, be carried into effect and execution in like Manner as if a separate Appeal and Application had been made by or in respect of each of such Persons.

Boundary of the Borough of Waterford.

XXIX. And whereas it was by the said Act enacted, that every Borough in the Schedule (A.) to the said Act annexed should be divided into the Number of Wards mentioned in such Schedule in conjunction with the Name of such Borough, and that the Boundaries of the several Boroughs named in the said Schedule (A.) and of the Wards into which the said Boroughs named in the said Schedule (A.) were to be divided should, for the Purposes of the said Act, be taken to be according to the Description of such Boundaries set forth in Schedule (C.) to the said Act annexed: And whereas, according to the Description in the said Schedule (C.) of the Boundary of the West Ward of the Borough of *Waterford*, the whole Space comprehended within the Parliamentary Boundary of such Borough on the North Side of the River *Suir* is included within the said West Ward, although a Part of such Space is not comprehended within the general Boundary of the said Borough as described in the said Schedule (C.), and it is expedient to correct such Mistake; be it therefore enacted, That the said West Ward shall be taken to include only that Part of the Space on the North Side of the River *Suir* which is comprehended in the Municipal Boundary of the said Borough of *Waterford*, as if the Words "within the Municipal Boundary" had been inserted in the Description of the Boundary of the said West Ward contained in the said Schedule (C.) instead of the Words "Parliamentary Boundary."

Acts to continue in force, except as altered.

XXX. And be it enacted, That the said recited Acts of the Third and Fourth Years of the Reign of Her present Majesty and of the Ninth Year of the Reign of King *George* the Fourth, and all Clauses, Matters, and Things respectively therein contained, (save and except such Parts thereof as are by this Act expressly varied, altered, or repealed,) shall be and the same is and are severally declared to be and continue in full Force and Effect, to all Intents and Purposes, and shall be as good, valid, and effectual as if the same and every of them were re-enacted in the Body of this Act; and all and every the Provisions of the said recited Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, for the levying and Recovery of the Rates therein mentioned, shall apply and extend to the Levy and Recovery of the Rates assessed and applotted under the Provisions of this Act.

Recited Act of 3 & 4 Vict. and this Act to be construed together.

XXXI. And be it enacted, That the said recited Act for the Regulation of Municipal Corporations in *Ireland* and this Act shall be construed together as One Act, and that the Provision made by the said Act for the Regulation of Municipal Corporations in *Ireland* for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act.

Act may be altered, &c. this Session

XXXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

LIST of PERSONS appearing entitled to be enrolled as Burgesses of the Borough of (in the Ward of) in the Burgess Roll next to be made, in right of Inhabitancy and Occupation and Rating.

Dated this 8th September 1843. *John Thompson*, Town Clerk.

Number.	NAME.	RESIDENCE.	Situation of Qualifying Property.	Description of Property.	POOR RATE.				PAVING RATE.				And so for any other Rates or Cesses, as the Case may be.
					Amount of last Payment.	Date of last Payment.	Amount (if any) due.	Date when due.	Amount of last Payment.	Date of last Payment.	Amount (if any) due.	Date when due.	
					£ s. d.		£ s. d.		£ s. d.		£ s. d.		
1	Adams, John	3, John Street	3, John Street	House -	1 5 0	1 May	1 10 0	10 June	1 2 6	10 July	—	—	
2	Albin, William	9, Park Street	6, High Street	Shop -	2 10 0	6 April	5 0 0	1 July	1 5 0	1 Jan.	1 5 0	1 July	
3	Burn, Edward	Booterstown	10, Essex Street	Warehouse	3 5 0	1 July	- -	- -	0 15 0	10 July	—	—	
4	Casey, Patrick	Chapelizod	12, Mount Street	Shop -	3 10 0	16 Jan.	3 10 0	29 May	1 10 0	2 Feb.	1 10 0	2 May	
					Henry Johnston, Collector.				*Thos. Brown*, Collector.				

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Acts done in pursuance of such Power to be of the same Effect as if done under local Laws.

II. And be it enacted, That every Act, Matter, and Thing which may at any Time be done, in pursuance of any such Power or Jurisdiction of Her Majesty, in any Country or Place out of Her Majesty's Dominions, shall, in all Courts Ecclesiastical and Temporal and elsewhere within Her Majesty's Dominions, be and be deemed and adjudged to be, in all Cases and to all Intents and Purposes whatsoever, as valid and effectual as though the same had been done according to the local Law then in force within such Country or Place.

Courts authorized to procure Evidence of such Power by Application to Secretary of State.

III. And be it enacted, That if in any Suit or other Proceedings, whether Civil or Criminal, in any Court Ecclesiastical or Temporal within Her Majesty's Dominions, any Issue or Question of Law or of Fact shall arise for the due Determination whereof it shall, in the Opinion of the Judge or Judges of such Court, be necessary to produce Evidence of the Existence of any such Power or Jurisdiction as aforesaid, or of the Extent thereof, it shall be lawful for the Judge or Judges of any such Court, and he or they are hereby authorized, to transmit, under his or their Hand and Seal or Hands and Seals, to One of Her Majesty's Principal Secretaries of State, Questions by him or them properly framed respecting such of the Matters aforesaid as it may be necessary to ascertain in order to the due Determination of any such Issue or Question as aforesaid; and such Secretary of State is hereby empowered and required, within a reasonable Time in that Behalf, to cause proper and sufficient Answers to be returned to all such Questions, and to be directed to the said Judge or Judges, or their Successors; and such Answers shall, upon Production thereof, be final and conclusive Evidence, in such Suit or other Proceedings, of the several Matters therein contained and required to be ascertained thereby.

Power to send Persons charged with Crimes for Trial to a British Colony.

IV. And whereas it may in certain Cases be expedient that Crimes and Offences committed within such Countries or Places as aforesaid should be inquired of, tried, determined, and punished within Her Majesty's Dominions; be it enacted, That it shall and may be lawful for any Person having Authority derived from Her Majesty in that Behalf, by Warrant under his Hand and Seal, to cause any Person charged with the Commission of any Crime or Offence the Cognizance whereof may at any Time appertain to any Judge, Magistrate, or other Officer of Her Majesty within any such Country or Place as aforesaid, to be sent for Trial to any *British* Colony which Her Majesty may by any Order or Orders in Council from Time to Time appoint in that Behalf; and upon the Arrival of such Person within such Colony it shall and may be lawful for the Supreme Court exercising Criminal Jurisdiction within the same to cause such Person to be kept in safe and proper Custody, and, so soon as conveniently may be, to inquire of, try, and determine such Crime or Offence, and upon Conviction of the Person so charged as aforesaid to correct and punish him according to the Laws in force in that Behalf within such Colony, in the same Manner as if the said Crime or Offence had been committed within the Jurisdiction of such Supreme Court: Provided always, that before any such Person shall

shall be sent for Trial to any such Colony as aforesaid it shall be lawful for him to tender for Examination to the Judge, Magistrate, or other Officer of Her Majesty to whom the Cognizance of the Crime or Offence with which he is charged may appertain, within the Country or Place where the same may be alleged to have been committed, any competent Witness or Witnesses, the Evidence of whom he may deem material for his Defence, and whom he may allege himself to be unable to produce at his Trial in the said Colony; and the said Judge, Magistrate, or other Officer shall thereupon proceed in the Examination and Cross-examination of such Witness or Witnesses in the same Manner as though the same had been tendered at a Trial before such Judge, Magistrate, or other Officer, and shall cause the Evidence so taken to be reduced into Writing, and shall transmit a Copy of such Evidence to the Supreme Court before which the Trial of such Person is to take place, together with a Certificate under his Hand and Seal of the Correctness of such Copy; and thereupon it shall be lawful for the said Supreme Court, and it is hereby required, to allow so much of the Evidence so taken as aforesaid as would have been admissible according to the Law and Practice of the said Supreme Court, had the said Witness or Witnesses been produced and examined at the Trial before the said Court, to be read and received as legal Evidence at such Trial: Provided also, that if it shall be made to appear at such Trial that the Laws by which the Person charged with any Criminal Act would have been tried had his Trial taken place before a Judge, Magistrate, or other Officer of Her Majesty in the Country or Place in which such Act may be alleged to have been committed, vary from or are inconsistent with the Laws in force within such Colony, in respect either of the Criminality of the Act charged, or of the Nature or Degree of the alleged Crime or Offence, or of the Punishment to be awarded for the same, such Supreme Court is hereby empowered and required to admit and give effect to the Laws by which such Person would have been so tried as aforesaid, so far as but not further or otherwise than the same relate to the Criminality of such Act, or to the Nature or Degree of such Crime or Offence, or to the Punishment thereof: Provided also, that nothing herein contained shall be construed to alter or repeal any Law, Statute, or Usage by virtue of which any Crime or Offence committed out of Her Majesty's Dominions might, at the Time of the passing of this Act, be inquired of, tried, determined, and punished within Her Majesty's Dominions, or any Part thereof, but the same shall remain in full Force and Effect, any thing herein contained to the contrary notwithstanding.

Before any such Person shall be sent to any Colony for Trial he may tender any material Evidence that he would be unable to produce on Trial, and which shall be taken down and transmitted.

In case the Laws of the Place in which the Act was committed vary from those of the Colony the Court may give effect to them.

Nothing herein to alter any Law respecting Crimes committed out of Her Majesty's Dominions.

V. And whereas it may likewise in certain Cases be expedient that the Sentences passed within such Countries and Places as aforesaid at the Trial of Crimes and Offences within the same should be carried into effect within Her Majesty's Dominions; be it enacted, That if any Offender shall have been sentenced to suffer Death or Imprisonment for or in respect of any Crime or Offence of which such Offender shall have been lawfully convicted before any Judge, Magistrate, or other Officer of Her Majesty within any such Country or

Power to send Convicts for Execution or Imprisonment to a British Colony.

or Place as aforesaid, it shall be lawful for any Person having Authority derived from Her Majesty in that Behalf, by Warrant under his Hand and Seal, to cause such Offender to be sent to any *British* Colony which Her Majesty may by any Order or Orders in Council from Time to Time appoint in that Behalf, in order that the Sentence so passed upon such Offender may be carried into effect within the same; and the Magistrates, Gaolers, and other Officers to whom it may appertain to give effect to any Sentence passed by the Supreme Court exercising Criminal Jurisdiction within such Colony are hereby empowered and required to do all Acts and Things necessary to carry into effect the Sentence so passed upon such Offender, in the same Manner as though the same had been passed by such Supreme Court.

Power to transport Convicts.

VI. And be it enacted, That if any Offender shall have been ordered or sentenced to be transported beyond the Seas by any Judge, Magistrate, or other Officer of Her Majesty within any such Country or Place as aforesaid, or, having been adjudged to suffer Death, shall have received Her Majesty's most gracious Pardon upon Condition of Transportation beyond the Seas, it shall be lawful for any Person having Authority derived from Her Majesty in that Behalf to cause such Offender to be sent to any Place beyond Seas to which Convicts may at any Time be lawfully transported from any Part of Her Majesty's Dominions, and, if there shall be no convenient Means of transporting such Offender without bringing him to *England*, to cause such Offender to be brought to *England* in order to be transported, and to be imprisoned in any Place of Confinement provided under the Authority of any Law or Statute relating to the Transportation of Offenders convicted in *England*, until such Offender shall be transported or shall become entitled to his Liberty; and as soon as any such Offender shall have arrived at the Place to which he may be transported, or, if brought to *England*, shall have been there imprisoned as aforesaid, all the Provisions, Rules, Regulations, Authorities, Powers, Penalties, Matters, and Things concerning the safe Custody, Confinement, Treatment, and Transportation of any Offender convicted in *Great Britain* shall extend and be construed to extend to such Offender as fully and effectually, to all Intents and Purposes, as if such Offender had been convicted and sentenced at any Session of Gaol Delivery holden for any County in *England*.

Limitation of Actions.

VII. And be it enacted, That if any Suit or Action shall be brought in any Court within Her Majesty's Dominions against any Person or Persons for any thing done in pursuance of any such Power or Jurisdiction of Her Majesty as aforesaid or of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen out of Her Majesty's Dominions, and then within Six Months after the Plaintiff or Plaintiffs and Defendant or Defendants shall have been within the Jurisdiction of the Court in which the same may be brought; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and

and not elsewhere, except where the Cause of Action shall have arisen out of Her Majesty's Dominions; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office by an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants;* and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in execution of any such Power or Jurisdiction of Her Majesty as aforesaid or of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law. 24 G. 2. c. 44.

VIII. And be it enacted, That from and after the First Day of *October* in the Year One thousand eight hundred and forty-four so much of an Act passed in the Sixth Year of His late Majesty King *George* the Fourth, intituled *An Act to repeal certain Acts relating to the Governor and Company of Merchants of* England *trading to the* Levant Seas, *and the Duties payable to them; and to authorize the Transfer and Disposal of the Possessions and Property of the said Governor and Company for the Public Service*, as provides, "that from and immediately after the Enrolment of any such Deed or Instrument as therein mentioned all such Rights and Duties of Jurisdiction and Authority over His Majesty's Subjects resorting to the Ports of the *Levant*, for the Purposes of Trade or otherwise, as were lawfully exercised and performed, or which the Letters Patent or Acts by the said Act recited, or any of them, authorized to be exercised and performed, by any Consul or other Officers appointed by the said Company, or which such Consuls or other Officers lawfully exercised and performed under and by virtue of any Power or Authority whatever, should, from and after the Enrolment of such Deed or Instrument as aforesaid, be and become vested in and should be exercised and performed by such Consuls and other Officers respectively as His Majesty might be pleased to appoint for the Protection of the Trade of His Majesty's Subjects in the Ports and Places respectively mentioned in the said Letters Patent and Acts, or any or either of them;" and also that from and after the passing of this Act an Act passed in the Parliament Repeal of Sect. 4. of 6 G. 4. c. 33. and of 6 & 7 W. 4. c. 78.

holden in the Sixth and Seventh Years of His said late Majesty King *William* the Fourth, intituled *An Act to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the* Ottoman *Empire*, shall be and the same are hereby repealed, save as to any Matter or Thing theretofore done under the Authority of the same respectively.

Act may be amended or repealed.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament.

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The Number not to exceed 10,000.

Township, or Borough Office: Provided always, that the whole Number of Pensioners so to be enrolled in the United Kingdom shall not at any One Time exceed Ten thousand Men: Provided also, that every Out-Pensioner shall be entitled to all the Benefits of the Provisions contained in all such Orders and Regulations made by Her Majesty or Her Predecessors as were in force at the Time of his enlisting.

Staff Officers to act as Commandants in default of special Provision.

Other Officers.

II. And be it enacted, That, in default of any special Provision to the contrary, the Staff Officers or other Persons duly appointed by the Secretary at War to pay the Out-Pensioners of *Chelsea* Hospital shall act as the Commandants of the Pensioners enrolled within their respective Districts; and it shall be lawful for Her Majesty to appoint to such Force such other Officers and Non-commissioned Officers of Her Majesty's Regular Forces or Militia, whether from Full or Half Pay or from the Pension List, as may be deemed expedient, and to put the whole or any Part of the Force under the Command of such General or other Superior Officers of Her Majesty's Regular Forces as Her Majesty shall please to appoint.

Arms and Accoutrements to be provided.

III. And be it enacted, That all or any of the Pensioners so enrolled as aforesaid may be provided with Arms, Clothing, and Accoutrements, and mustered within their respective Districts for Inspection on such Days, not exceeding Eight in each Year, as Her Majesty through One of Her Principal Secretaries of State for the Time being shall order; and it shall be lawful for such Secretary of State, or in case of Emergency any Person or Persons bearing the Warrant of the Secretary of State for that Purpose, at any Time to call out the whole or such and so many of such enrolled Pensioners as he or they may deem necessary to aid the Civil Power in the Preservation of the Public Peace within the District or within any adjoining District.

Pensioners may volunteer for Garrison Duty.

IV. And be it enacted, That whenever any of the Regular Forces of Her Majesty's Army may be removed from any of Her Majesty's Forts, Towns, or Garrisons within the United Kingdom, it shall be lawful for Her Majesty to direct that such and so many of the said Pensioners as volunteer their Services for the Purpose may be kept on Duty and Pay, for any Period not exceeding Six Calendar Months, within such Forts, Towns, or Garrisons, in the same Way as the Regular Forces of Her Majesty's Army; and any Pensioner who shall have volunteered for such Service, and shall afterwards refuse to serve, shall be liable to Forfeiture of Pension.

Secretary at War to make Regulations.

V. And be it enacted, That it shall be lawful for Her Majesty to authorize Her Secretary at War for the Time being to make Regulations for the Pay of the Officers, Non-commissioned Officers, and enrolled Pensioners, when mustered for Inspection or called out in aid of the Civil Power as aforesaid, and also in regard to their Arms, Clothing, Equipment, and Allowances, and also for the Government of the said Force, and for the Infliction of Fines and Penalties for Absence from or Misconduct during Muster or Inspection, or for the Breach of any of the said Regulations, and for the Deduction of such

Fines and Penalties from any Pay or Pension which may become due to the Offender; and all Warrants and Regulations to be issued under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the Commencement of each Session; and any enrolled Pensioner who, without reasonable Excuse satisfactory to the Secretary at War, shall fail to attend when called out as aforesaid in aid of the Civil Power, shall be liable to Forfeiture of his Pension, either absolutely or for such Time as to the Secretary at War shall seem fit.

Pensioners to be subject to the Mutiny Act and Articles of War.

VI. And be it enacted, That whenever the said Pensioners shall be called out on Duty in aid of the Civil Power or for Muster or Inspection, or when any Pensioner who may have volunteered his Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, all the Provisions of any Act then in force for the punishing of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, as well with regard to billetting as in all other respects whatsoever, and also the Articles of War established or to be established by Her Majesty pursuant to the Provisions of the said Act, shall extend and apply to such Pensioners, and to the Officers and Non-commissioned Officers appointed to command them; and Offences committed by such Officers, Non-commissioned Officers, and Pensioners, or any of them, on the Occasions aforesaid, may be inquired of and tried by Court-martial assembled under the Provisions of any such Act, according to the usual Discipline of Her Majesty's Army; and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which the said Pensioners shall be so on Duty, or at any Time within Twelve Calendar Months after the Offence shall have been committed or the Offender shall have been apprehended.

Penalty for damaging or selling Accoutrements, &c.

VII. And be it enacted, That every Pensioner enrolled as aforesaid, who shall carelessly lose, destroy, or damage any Arms, Accoutrements, Ammunition, or Clothing provided for him or entrusted to his Charge, shall be liable to make good the same out of his Pension, together with such Penalty, not exceeding Double the Amount of such Loss or Damage, as the Secretary at War may direct; and every such enrolled Pensioner who shall wilfully damage or destroy, or who shall sell, pawn, or otherwise unlawfully dispose of any such Arms, Accoutrements, Ammunition, or Clothing, shall be liable to Forfeiture of his Pension; and any Person knowingly purchasing or receiving the same shall, on Conviction thereof, by the Oath of any credible Witness or upon his own Confession, before any Magistrate or Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds, and in default of Payment may be imprisoned for any Time not exceeding Three Calendar Months.

Field and Staff Officers exempt from Toll.

VIII. And be it enacted, That no Toll shall be demanded or taken at any Turnpike Gate or Bar, Pier, Wharf, or Landing Place, for any Horse ridden by any Field Officer or Staff Officer of Pensioners, being in Uniform, when employed on any of the Duties referred to in this Act, nor for any private or hired Vehicle necessarily used by such Officers

Officers, being in Uniform, for the Conveyance of themselves and the Books and other Documents required for the Purpose of paying the Out-Pensioners at the several Stations within the District; and any Toll Collector who shall demand and take Toll from any such Officer when so employed and in Uniform shall, on Conviction thereof, by the Oath of any credible Witness or on his own Confession, before a Magistrate or Justice of the Peace, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Act may be amended.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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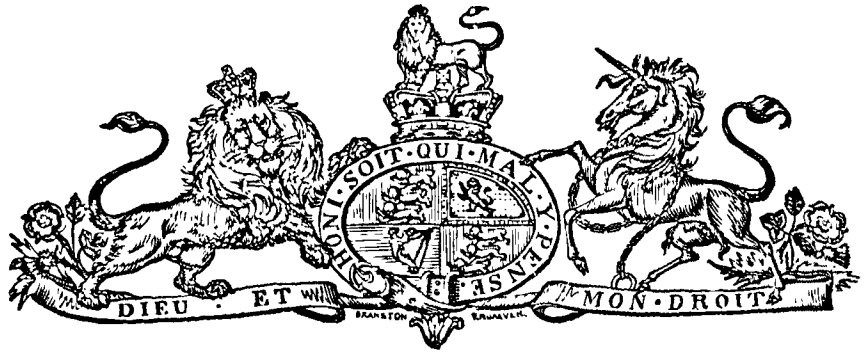

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XCVI.

An Act to amend the Law respecting defamatory Words and Libel. [24th *August* 1843.]

FOR the better Protection of private Character, and for more effectually securing the Liberty of the Press, and for better preventing Abuses in exercising the said Liberty, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Action for Defamation it shall be lawful for the Defendant (after Notice in Writing of his Intention so to do, duly given to the Plaintiff at the Time of filing or delivering the Plea in such Action,) to give in Evidence, in mitigation of Damages, that he made or offered an Apology to the Plaintiff for such Defamation before the Commencement of the Action, or as soon afterwards as he had an Opportunity of doing so, in case the Action shall have been commenced before there was an Opportunity of making or offering such Apology.

Offer of an Apology admissible in Evidence in mitigation of Damages.

II. And be it enacted, That in an Action for a Libel contained in any public Newspaper or other periodical Publication it shall be competent to the Defendant to plead that such Libel was inserted in such Newspaper or other periodical Publication without actual Malice, and without gross Negligence, and that before the Commencement of the

In an Action against a Newspaper for Libel, the Defendant may plead that

it was inserted without Malice and without Neglect, and may pay Money into Court as Amends.

the Action, or at the earliest Opportunity afterwards, he inserted in such Newspaper or other periodical Publication a full Apology for the said Libel, or, if the Newspaper or periodical Publication in which the said Libel appeared should be ordinarily published at Intervals exceeding One Week, had offered to publish the said Apology in any Newspaper or periodical Publication to be selected by the Plaintiff in such Action; and that every such Defendant shall upon filing such Plea be at liberty to pay into Court a Sum of Money by way of Amends for the Injury sustained by the Publication of such Libel, and such Payment into Court shall be of the same Effect and be available in the same Manner and to the same Extent, and be subject to the same Rules and Regulations as to Payment of Costs and the Form of Pleading, except so far as regards the pleading of the additional Facts herein-before required to be pleaded by such Defendant, as if Actions for Libel had not been excepted from the personal Actions in which it is lawful to pay Money into Court under an Act passed in the Session of Parliament held in the Fourth Year of His late Majesty, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice;* and that to such Plea to such Action it shall be competent to the Plaintiff to reply generally, denying the whole of such Plea.

3 & 4 W. 4. c. 42.

Publishing or threatening to publish a Libel, or proposing to abstain from publishing any thing, with Intent to extort Money, punishable by Imprisonment and hard Labour.

III. And be it enacted, That if any Person shall publish or threaten to publish any Libel upon any other Person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any Matter or Thing touching any other Person, with Intent to extort any Money or Security for Money, or any valuable Thing from such or any other Person, or with Intent to induce any Person to confer or procure for any Person any Appointment or Office of Profit or Trust, every such Offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years: Provided always, that nothing herein contained shall in any Manner alter or affect any Law now in force in respect of the sending or Delivery of threatening Letters or Writings.

False defamatory Libel punishable by Imprisonment and Fine;

IV. And be it enacted, That if any Person shall maliciously publish any defamatory Libel, knowing the same to be false, every such Person, being convicted thereof, shall be liable to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Years, and to pay such Fine as the Court shall award.

Malicious defamatory Libel, by Imprisonment or Fine.

V. And be it enacted, That if any Person shall maliciously publish any defamatory Libel, every such Person, being convicted thereof, shall be liable to Fine or Imprisonment or both, as the Court may award, such Imprisonment not to exceed the Term of One Year.

Proceedings upon the Trial of an Indictment

VI. And be it enacted, That on the Trial of any Indictment or Information for a defamatory Libel, the Defendant having pleaded such Plea as herein-after mentioned, the Truth of the Matters charged

charged may be inquired into, but shall not amount to a Defence, unless it was for the Public Benefit that the said Matters charged should be published; and that to entitle the Defendant to give Evidence of the Truth of such Matters charged as a Defence to such Indictment or Information it shall be necessary for the Defendant, in pleading to the said Indictment or Information, to allege the Truth of the said Matters charged in the Manner now required in pleading a Justification to an Action for Defamation, and further to allege that it was for the Public Benefit that the said Matters charged should be published, and the particular Fact or Facts by reason whereof it was for the Public Benefit that the said Matters charged should be published, to which Plea the Prosecutor shall be at liberty to reply generally, denying the whole thereof; and that if after such Plea the Defendant shall be convicted on such Indictment or Information it shall be competent to the Court, in pronouncing Sentence, to consider whether the Guilt of the Defendant is aggravated or mitigated by the said Plea, and by the Evidence given to prove or to disprove the same: Provided always, that the Truth of the Matters charged in the alleged Libel complained of by such Indictment or Information shall in no Case be inquired into without such Plea of Justification: Provided also, that in addition to such Plea it shall be competent to the Defendant to plead a Plea of Not guilty: Provided also, that nothing in this Act contained shall take away or prejudice any Defence under the Plea of Not guilty which it is now competent to the Defendant to make under such Plea to any Action or Indictment or Information for defamatory Words or Libel.

or Information for a defamatory Libel.

Double Plea.

Proviso as to Plea of Not guilty in Civil and Criminal Proceedings.

VII. And be it enacted, That whensoever, upon the Trial of any Indictment or Information for the Publication of a Libel, under the Plea of Not guilty, Evidence shall have been given which shall establish a presumptive Case of Publication against the Defendant by the Act of any other Person by his Authority, it shall be competent to such Defendant to prove that such Publication was made without his Authority, Consent, or Knowledge, and that the said Publication did not arise from Want of due Care or Caution on his Part.

Evidence to rebut primâ facie Case of Publication by an Agent.

VIII. And be it enacted, That in the Case of any Indictment or Information by a private Prosecutor for the Publication of any defamatory Libel, if Judgment shall be given for the Defendant, he shall be entitled to recover from the Prosecutor the Costs sustained by the said Defendant by reason of such Indictment or Information; and that upon a special Plea of Justification to such Indictment or Information, if the Issue be found for the Prosecutor, he shall be entitled to recover from the Defendant the Costs sustained by the Prosecutor by reason of such Plea, such Costs so to be recovered by the Defendant or Prosecutor respectively to be taxed by the proper Officer of the Court before which the said Indictment or Information is tried.

On Prosecution for private Libel, Defendant entitled to Costs on Acquittal.

IX. And be it enacted, That wherever throughout this Act, in describing the Plaintiff or the Defendant, or the Party affected or intended to be affected by the Offence, Words are used importing the

Interpretation of Act.

the Singular Number or the Masculine Gender only, yet they shall be understood to include several Persons as well as one Person, and Females as well as Males, unless when the Nature of the Provision or the Context of the Act shall exclude such Construction.

Commencement and Extent of Act.

X. And be it enacted, That this Act shall take effect from the First Day of *November* next; and that nothing in this Act contained shall extend to *Scotland*.

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ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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Commissioners appointed.

That *Russell Gurney* Esquire, Barrister at Law, *John Buckle* Esquire, Barrister at Law, and *George Percy Elliott* Esquire, Barrister at Law, shall be Commissioners of Inquiry for the Purposes of this Act; and in the Case of the Death or Resignation of any One or Two of the said Commissioners, or in the event of any One or Two of them becoming incapacitated or incapable of acting, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in the Execution of this Act, as if they or he had been solely appointed to be Commissioners or a sole Commissioner for the Purposes of this Act; and all the Provisions of this Act concerning the said Commissioners shall be taken to apply to such surviving or continuing Commissioners or Commissioner.

Commissioners to be sworn.

II. And be it enacted, That every Commissioner appointed in pursuance of this Act shall, before beginning to act in the Execution of the Commission, take the following Oath before the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, or the Lord Chief Baron of the Court of Exchequer; (that is to say,)

'I *A. B.* do swear, That I will truly and faithfully execute the Powers and Trusts vested in me by an Act, intituled [*here insert the Title of this Act*], according to the best of my Knowledge and Judgment. So help me GOD.'

Secretary and Clerks to be appointed.

III. And be it enacted, That it shall be lawful for the said Commissioners to appoint, and at their Pleasure to dismiss, a Secretary, and so many Clerks, Messengers, and Officers as shall be thought necessary by One of Her Majesty's Principal Secretaries of State, for the Purpose of conducting the Inquiry directed by this Act, and to pay to the said Secretary, Clerks, Messengers, and Officers such Salaries and Allowances as shall be thought reasonable by the Commissioners of Her Majesty's Treasury.

Place of Meeting.

IV. And be it enacted, That the said Commissioners, upon their Appointment or within a reasonable Time afterwards, shall go to the Borough of *Sudbury*, and shall from Time to Time hold Meetings at some convenient Place within the said Borough or within Ten Miles thereof, and shall continue to sit from Day to Day until the said Inquiry shall be ended; and the said Commissioners of Inquiry shall give Notice of their Appointment, and of the Time and Place of holding their First Meeting, by publishing the same in some Newspaper in general Circulation in the said Borough or the Neighbourhood thereof.

Inquiry by the Commissioners.

V. And be it enacted, That the said Commissioners shall, by all such lawful Means as to them shall appear best with a view to the Discovery of the Truth, inquire into the Manner in which the last Election of Members to serve in Parliament for the said Borough has been conducted, and whether any Bribery has been committed at such Election, and if so, whether such Bribery was by way of the Gift or the Promise of the Gift of any Sum of Money or other valuable Consideration

sideration to any Voter or Voters, or to any other Person or Persons on his or their Behalf, for the Promise or the giving of his or their Vote or Votes, or for his or their refraining or promising to refrain from giving his or their Vote or Votes, at such Election, or for his or their procuring or undertaking to procure the Votes of other Electors at such Election, or whether by the Payment of any Sum of Money or other valuable Consideration whatsoever to any Voter or to any other Person on his Behalf, before, during, or after the Termination of such Election, by way of Head Money, or in compliance with any Usage or Custom in the said Borough, or how otherwise, or whether any Sum of Money or other valuable Consideration whatsoever has been paid to any Voter, or to any other Person in his Behalf, after the Termination of such Election, as a Reward for giving or for having refrained from giving his Vote at such Election; and the said Commissioners shall from Time to Time report to Her Majesty the Evidence which shall be taken by them, and what they shall find concerning the Premises, and especially the said Commissioners shall report with respect to such Election the Names of all Persons whom they shall find to have been guilty of Bribery at such Election, and as well those who shall have given Bribes for the Purchase or for the Purpose of purchasing the Votes of others as those who shall have themselves received Money or any other valuable Consideration for having given or having refrained from giving, or for the Purpose of inducing them to give or to refrain from giving, their Votes at such Election, and also the Names of all Persons whom they shall find to have given to others or to have received themselves Payments by way of Head Money or as a Reward for giving or refraining to give their Votes at such Election, and all other things whereby, in the Opinion of the said Commissioners, the Truth may be better known touching the Premises.

Reports to be laid before Parliament.

VI. And be it enacted, That every Report which the said Commissioners shall make to Her Majesty in pursuance of this Act shall be laid before Parliament within One Calendar Month next after such Report shall be made, if Parliament shall be then sitting, or if not, then within One Calendar Month next after the then next Meeting of Parliament.

Power to send for Persons and Papers.

VII. And be it enacted, That it shall be lawful for the Commissioners to be appointed in pursuance of this Act, by a Summons under their Hands and Seals or under the Hand and Seal of any One of them, to require the Attendance before them, at a Time to be mentioned in the Summons, of any Person or Persons whomsoever whose Evidence shall in the Judgment of the said Commissioners be material to the Subject Matter of the Inquiry directed by this Act, and to require all Persons to bring before them such Books, Papers, Deeds, and Writings as to the said Commissioners shall appear necessary for arriving at the Truth of the Things directed to be inquired into by them under the Provisions of this Act; all which Persons shall attend the said Commissioners, and shall produce all such Books, Papers, Deeds, and Writings as shall be required of them, and which shall be in their Custody or under their Control, according to the Tenor

Tenor of the Summons: Provided always, that no Person shall be compellable to answer any Question, or to produce any Book, Paper, Deed, or Writing, the Answer to which or the Production of which may criminate or tend to criminate such Person, or to expose such Person to any Pains or Penalties.

Persons implicated in Bribery, who may be examined and shall make a faithful Discovery, indemnified.

VIII. And whereas it may appear to the said Commissioners desirable to examine as Witnesses several Persons touching the things directed to be inquired into by this Act, the Evidence of which Persons may tend to expose them to penal Consequences; be it therefore enacted, That, for the more effectually prosecuting the Inquiry directed by this Act, every Person who has been engaged in any Act of Bribery at or connected with any Election of Members to serve in Parliament for the said Borough of *Sudbury*, and who shall be examined as a Witness and give Evidence before the said Commissioners touching such Bribery, and who shall upon such Examination make a true Discovery, to the best of his or her Knowledge, touching all things to which he or she shall be so examined, shall be freed from all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions to which he or she may have been or may become liable or subject, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for any thing done by such Person or Persons in respect of such Bribery.

Witnesses examined not to be indemnified unless they shall have a Certificate from the Commissioners.

IX. Provided always, and be it enacted, That where any Witness shall be so examined as aforesaid, such Witness shall not be indemnified under this Act unless he or she shall receive from the said Commissioners a Certificate in Writing under their Hands, stating that such Witness has upon his or her Examination made a true Disclosure touching all things to which he or she has been so examined; and if any Action, Information, or Indictment shall at any Time be pending in any Court for Bribery at the last Election for the Borough of *Sudbury* against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment.

Commissioners to examine on Oath.

X. And be it enacted, That it shall be lawful for the said Commissioners or One of them to administer an Oath, or, in the Case of Persons allowed by Law to make Affirmation instead of taking an Oath, an Affirmation, to all Persons who shall be examined before them touching the things directed to be inquired into by them under the Provisions of this Act.

Penalty for Non-attendance or refusing to give Evidence.

XI. And be it enacted, That if any Person upon whom any such Summons shall be served, by the Delivery thereof to him or her or by the leaving thereof at his or her usual Place of Abode, shall without reasonable

reasonable Cause (to be allowed by the said Commissioners of Inquiry) fail to appear before them at the Time and Place mentioned in the Summons, or shall refuse to be sworn or make Affirmation (as the Case may be), or shall not make Answer to such Questions as shall be put to him or her touching the Matters directed to be inquired into by the said Commissioners, or shall refuse or fail without reasonable Cause (to be allowed by the said Commissioners) to produce and show to the said Commissioners any such Papers, Books, Deeds, or Writings, being in the Possession or under their Control, as to the said Commissioners shall appear necessary for arriving at the Truth of the things directed to be inquired into by them as aforesaid, the said Commissioners or the greater Number of them shall have the same Powers in all respects touching any such Person so failing to appear, or refusing to be sworn or to make Affirmation, or not answering such Questions as shall be put to him or her, or refusing to produce any such Books, Papers, Deeds, or Writings as aforesaid, as any of the Superior Courts in *Westminster Hall* or any Judge of the said Courts may now by Law exercise against any Person for making default of Appearance or for refusing to be sworn or give Evidence on any Issue joined in any Action depending in any of the said Courts.

Penalty for false swearing.

XII. And be it declared and enacted, That every Person who, upon Examination upon Oath or Affirmation before the said Commissioners of Inquiry, shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Expences of the Inquiry.

XIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being to make an Order for the Payment of the necessary Expences of the Inquiry directed by this Act; and that every Commissioner to be appointed under this Act shall be paid at the Rate of Five Guineas for every Day that he shall be actually employed in conducting the Inquiry directed by this Act, over and above his travelling and other Expences; and the said Commissioners, after the Termination of their last Sitting, and after they shall have made their Report to Her Majesty as herein-before directed, shall lay or cause to be laid before the Commissioners of Her Majesty's Treasury for the Time being a Statement of the Number of Days they shall have been so employed, together with an Account of the travelling and other Expences of each of such Commissioners; and the said Commissioners of Her Majesty's Treasury shall make an Order for the Payment to each Commissioner of the Amount due to him in respect of the Number of Days he shall have been so employed, and in respect of his travelling and other Expences.

Limitation of Actions.

XIV. And be it enacted, That no Action shall be brought against the said Commissioners or either of them, or any other Person or Persons whomsoever, for any thing done in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing of such thing.

Act may be amended or repealed.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board, of any Ship, Vessel, or Boat, Slaves or other Persons for the Purpose of their being imported or brought into any Place whatsoever as or in order to their being dealt with as Slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or to lend or advance, or become Security for the Loan or Advance, or to contract for the lending or advancing, or becoming Security for the Loan or Advance of Money, Goods, or Effects employed or to be employed in accomplishing any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or to become Guarantee or Security, or to contract for the becoming Guarantee or Security, for Agents employed or to be employed in accomplishing any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or in any other Manner to engage or to contract to engage, directly or indirectly, therein as a Partner, Agent, or otherwise; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transhipping, lading, receiving, or putting on board of any Ship, Vessel, or Boat, Money, Goods, or Effects to be employed in accomplishing any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or to take the Charge or Command, or to navigate or enter and embark on board, or to contract for the taking the Charge or Command or for the navigating or entering and embarking on board, of any Ship, Vessel, or Boat, as Captain, Master, Mate, petty Officer, Surgeon, Supercargo, Seaman, Marine, or Servant, or in any other Capacity, knowing that such Ship, Vessel, or Boat is actually employed, or is in the same Voyage, or upon the same Occasion, in respect of which they shall so take the Charge or Command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or to insure or to contract for the insuring of any Slaves, or any Property, or other Subject Matter engaged or employed or intended to be engaged or employed in accomplishing any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful: And whereas it is expedient that from and after the Commencement of this Act the Provisions of the said Act herein-before recited shall be deemed to apply to, and extend to render unlawful, and to prohibit the several Acts, Matters, and Things therein mentioned when committed by *British* Subjects in Foreign Countries and Settlements not belonging to the *British* Crown, in like Manner and to all Intents and Purposes as if the same were done or committed by such Persons within the *British* Dominions, Colonies, or Settlements; and it is expedient that further Provisions should be made for the more effectual Suppression of the Slave Trade, and of certain Practices tending to promote and encourage it: Be it therefore

therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions of the said consolidated Slave Trade Act herein-before recited and of this present Act shall, from and after the coming into operation of this Act, be deemed to extend and apply to *British* Subjects wheresoever residing or being, and whether within the Dominions of the *British* Crown or of any Foreign Country; and all the several Matters and Things prohibited by the said consolidated Slave Trade Act or by this present Act, when committed by *British* Subjects, whether within the Dominions of the *British* Crown or in any Foreign Country, except only as is herein-after excepted, shall be deemed and taken to be Offences committed against the said several Acts respectively, and shall be dealt with and punished accordingly: Provided nevertheless, that nothing herein contained shall repeal or alter any of the Provisions of the said Act.

The recited Act and this Act shall apply to all British Subjects wheresoever residing.

II. And be it declared and enacted, That all Persons holden in Servitude as Pledges for Debt, and commonly called "Pawns," or by whatsoever other Name they may be called or known, shall, for the Purposes of the said consolidated Slave Trade Act, and of an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Slavery throughout the* British *Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves*, and of this present Act, be deemed and construed to be Slaves or Persons intended to be dealt with as Slaves.

What Persons are designated by the Term Slaves.

3 & 4 W. 4. c. 73.

III. And whereas it is expedient to make further Provision for the Trial and Punishment of Offenders; be it enacted, That all Offences against the consolidated Slave Trade Act or against this present Act, which shall be committed by *British* Subjects out of this United Kingdom, whether within the Dominions of the *British* Crown or in any Foreign Country, or by Foreigners within the *British* Dominions, except in Places where the *British* Admiral has Jurisdiction, may be taken cognizance of, inquired into, tried, and determined according to the Provisions of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in* England *relative to Offences against the Person.*

Trial of Offenders against the recited Act and this Act.

9 G. 4. c. 31.

IV. And whereas the Provisions heretofore made for the hearing and determining in *England* of Offences committed against the Acts for the Abolition of the Slave Trade in Places out of this United Kingdom have been found ineffectual, by reason of the Difficulty of proving in this Kingdom Matters and Things done elsewhere; be it enacted, That in all Cases of Indictment or Information laid or exhibited in the Court of Queen's Bench for Misdemeanors or Offences committed against the said Acts or against this present Act in any Places out of the United Kingdom, and within any *British* Colony, Settlement, Plantation, or Territory, it shall and may be lawful for Her Majesty's said Court, upon Motion to be made on behalf of the Prosecutor or Defendant, to award a Writ or Writs of Mandamus, requiring the Chief Justice or other chief judicial Officer

Evidence may be taken abroad, and transmitted to the Court of Queen's Bench.

Officer in such Colony, Settlement, Plantation, or Territory, who are hereby respectively authorized and required accordingly to hold a Court, with all convenient Speed, for the Examination of Witnesses and receiving other Proofs concerning the Matters charged in such Indictments or Informations respectively, and in the meantime to cause public Notice to be given of the holding of such Courts, and Summonses to be issued for the Attendances of Witnesses and of Agents and Counsel of the Parties; and such Examination as aforesaid shall be then and there openly and publicly taken in the said Court *vivâ voce*, upon the respective Oaths of the Persons examined, and be reduced to Writing, and be sent to Her Majesty in Her Court of Queen's Bench (in manner set forth and prescribed in an Act passed in the Thirteenth Year of *George* the Third, Chapter Sixty-three, intituled *An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company as well in* India *as in* Europe); and such Depositions, being duly taken and returned according to the true Intent and Meaning of this Act, shall be allowed and read, and shall be deemed as good and competent Evidence as if such Witnesses had been present and sworn, and examined *vivâ voce* at any Trial for such Misdemeanors and Offences as aforesaid in Her Majesty's said Court of Queen's Bench, any Law or Usage to the contrary thereof notwithstanding.

13 G. 3. c. 63.

In Cases not prohibited hereby Slaves may be sold or transferred.

V. Provided always, and be it enacted, That in all the Cases in which the holding or taking of Slaves shall not be prohibited by this or any other Act of Parliament, it shall be lawful to sell or transfer such Slaves, any thing in this or any other Act contained notwithstanding.

Act not to extend to Persons obtaining Slaves by Inheritance, &c.

VI. Provided always, and be it enacted, That nothing in this Act contained shall be taken to subject to any Forfeiture, Punishment, or Penalty any Person for transferring or receiving any Share in any Joint Stock Company established before the passing of this Act in respect of any Slave or Slaves in the Possession of such Company before such Time, or for selling any Slave or Slaves which were lawfully in his Possession at the Time of passing this Act, or which such Person shall or may have become possessed of or entitled unto *bonâ fide* prior to such Sale, by Inheritance, Devise, Bequest, Marriage, or otherwise by Operation of Law.

Commencement of Act.

VII. And be it enacted, That this Act shall be deemed and taken to be in force and to have effect from and after the First Day of *November* in the Year One thousand eight hundred and forty-three, and not before.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

C A P. XCIX.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-three, and to appropriate the Supplies granted in this Session of Parliament. [24th *August* 1843.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-three, the Sum of Seven millions three hundred ninety-two thousand and forty-four Pounds out of the Consolidated Fund of the United Kingdom of

There shall be applied, for the Service of the Year 1843, 7,392,044*l.* out of the Consolidated Fund.

Great Britain and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 7,392,044*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Seven millions three hundred ninety-two thousand and forty-four Pounds, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem*, upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 7,392,044*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Seven millions three hundred ninety-two thousand and forty-four Pounds, any thing in an Act passed in the Fifth and Sixth Years

Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

The Treasury to issue 47,994*l.* 12*s.* 3*d.* the Surplus of Ways and Means, and 500,000*l.* now in the Exchequer, to e mi-

IX. And be it enacted, That there shall and may be issued and applied for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-three, the Sum of Forty-seven thousand nine hundred and ninety-four Pounds Twelve Shillings and Three-pence, being the Surplus

plete the Aids granted for 1841 and 1842.

Surplus of Ways and Means granted for the Service of preceding Years, and also the Sum of Five hundred thousand Pounds, a Part of the Sum in the Exchequer of the United Kingdom of *Great Britain* and *Ireland*, or remaining to be raised on the Twenty-seventh Day of *June* One thousand eight hundred and forty-three, to complete the Aids granted by Parliament for the Service of the Years One thousand eight hundred and forty-one and One thousand eight hundred and forty-two, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the said United Kingdom, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into the Exchequer by 6 & 7 Vict. c. 5.

9,050,000*l.* by Exchequer Bills, 6 & 7 Vict c. 17.

Monies coming in by 6 & 7 Vict. c. 27.

11,132,100*l.* by Exchequer Bills, 6 & 7 Vict. c. 87.

and 7,392,044*l.*, 47,994*l.* 12*s.* 3*d.* and 500,000*l.* by this Act, applied as hereafter expressed.

X. And be it enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in this Session of Parliament, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-three;* and also the Sum of Nine millions and fifty thousand Pounds granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Nine millions and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-three;* and also all the Monies to be raised by Exchequer Bills not exceeding Three Millions by virtue of one other Act passed in this Session of Parliament, intituled *An Act for granting to Her Majesty, until the Fifth Day of* July *One thousand eight hundred and forty-four, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-three;* and also the Sum of Eleven millions one hundred and thirty-two thousand one hundred Pounds granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Eleven millions one hundred and thirty-two thousand one hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-three, and for amending an Act for granting Relief to certain Islands in the* West Indies; and also the respective Sums of Seven millions three hundred ninety-two thousand and forty-four Pounds, and of Forty-seven thousand nine hundred and ninety-four Pounds Twelve Shillings and Three-pence, and of Five hundred thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed.

There shall be applied 6,382,990*l.* for Naval Services; viz.

1,259,697*l.* for Wages to 39,000 Seamen and Marines, &c.;

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions three hundred eighty-two thousand nine hundred and ninety Pounds, for and towards the Naval Services herein-after more particularly mentioned; (that is to say), any Sum or Sums of Money not exceeding One million two hundred fifty-nine thousand six hundred and ninety-seven Pounds, to defray the Charge of Wages to Thirty-nine thousand Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-four; and

any Sum or Sums of Money not exceeding Six hundred twenty thousand one hundred and sixty-four Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, and the Ordinary and Yard Craft, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One hundred twenty-five thousand four hundred and fifty-nine Pounds, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Two thousand nine hundred and eighty Pounds, to defray the Salaries of the Officers and the contingent Expences of the Office for the Registry of Merchant Seamen, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-six thousand seven hundred and seventy-three Pounds, to defray the Salaries of the Officers and the contingent Expences of the several scientific Departments of the Navy, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One hundred twenty-four thousand three hundred and fifty-three Pounds, to defray the Salaries of the Officers and the contingent Expences of Her Majesty's Naval Establishments at home, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-three thousand one hundred and thirty-two Pounds, to defray the Salaries of the Officers and the contingent Expences of Her Majesty's Naval Establishments abroad, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Five hundred ninety-one thousand nine hundred and fifty-one Pounds, to pay the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-seven thousand four hundred and ninety Pounds, to pay the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, till the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One million fifty-five thousand six hundred and ninety-four Pounds, to defray the Expence of Naval Stores for the building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Two hundred thirty-four thousand eight hundred and sixty-eight Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Yards, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-one thousand four hundred and thirty-four Pounds, to defray the Charge of Medicines and Medical Stores, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Sixty-one thousand and eleven Pounds, to defray the Charge of divers Naval miscellaneous Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Seven hundred forty-six thousand one hundred and seven Pounds, to defray

620,164*l.* for Victuals, &c. in the Navy;

125,459*l.* for Salaries, &c. of the Admiralty Office;

2,980*l.* for Registry Office of Merchant Seamen, &c.;

36,773*l.* for the Navy scientific Departments;

124,353*l.* for Naval Establishments at home;

23,132*l.* for Naval Establishments abroad;

591,951*l.* for Wages of Artificers, &c. at home;

37,490*l.* for Wages of Artificers, &c. abroad;

1,055,694*l.* for Naval Stores, &c.;

234,868*l.* for new Works in Yards;

21,434*l.* for Medicines, &c.;

61,011*l.* for Naval miscellaneous Services;

746,107*l.* for Naval Half Pay;

 defray

defray the Charge of Half Pay to Officers of the Navy and of the Royal Marines which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-four;

498,702*l.* for Military Pensions;

and any Sum or Sums of Money not exceeding Four hundred ninety-eight thousand seven hundred and two Pounds, to defray the Charge of Military Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-four;

168,209*l.* for Civil Pensions;

and any Sum or Sums of Money not exceeding One hundred sixty-eight thousand two hundred and nine Pounds, to defray the Charge of Civil Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-four;

245,429*l.* to defray the Charge of Transports, &c.;

and any Sum or Sums of Money not exceeding Two hundred forty-five thousand four hundred and twenty-nine Pounds, to pay the Freight of Ships and Transports, and other Charges for the victualling and Conveyance of Troops and Stores on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-four;

100,335*l.* for conveying Convicts to *N. S. Wales*, &c.;

and any Sum or Sums of Money not exceeding One hundred thousand three hundred and thirty-five Pounds, to defray the Expence of conveying Convicts to *New South Wales* and *Van Diemen's Land* which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-four;

429,202*l.* for Mail Packet Service.

and any Sum or Sums of Money not exceeding Four hundred twenty-nine thousand two hundred and two Pounds, to defray the Charge of the Packet Service for the Conveyance of Mails, to the Thirty-first Day of *March* One thousand eight hundred and forty-four.

There shall be applied 6,619,788*l.* for Army Services; viz.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions six hundred nineteen thousand seven hundred and eighty-eight Pounds, for and towards the Army Services herein-after more particularly mentioned; (that is to say,)

3,619,327*l.* for Forces in U. K. and Stations abroad (except the *East Indies*);

any Sum or Sums of Money not exceeding Three millions six hundred nineteen thousand three hundred and twenty-seven Pounds, for defraying the Charge of Her Majesty's Land Forces, for Service in the United Kingdom of *Great Britain* and *Ireland*, and on Stations abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive;

165,301*l.* for General Staff Officers, &c.;

and any Sum or Sums of Money not exceeding One hundred sixty-five thousand three hundred and one Pounds, for defraying the Charge of General Staff Officers and Officers of the Hospitals serving with Her Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations (excepting *India*), and of Her Majesty's Garrison of the Tower of *London*, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive;

88,075*l.* for Allowances to Officers, &c. of

and any Sum or Sums of Money not exceeding Eighty-eight thousand and seventy-

five Pounds, for defraying the Charge of the Allowances of the principal Officers of the several Public Military Departments in *Great Britain*, their Deputies, Clerks, and contingent Expences, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Thirteen thousand six hundred and six Pounds, for defraying the Charge of the Royal Military Asylum and of the *Hibernian* Military School, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred seventeen thousand seven hundred and eighty-seven Pounds, for defraying the Charge of Volunteer Corps, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding One thousand three hundred and seventy-three Pounds, for defraying Expences incurred for unprovided Services of former Years; and any Sum or Sums of Money not exceeding Fourteen thousand four hundred and fifty-one Pounds, for defraying the Charge of Allowances as Rewards for distinguished Services, and of Allowances to Officers of Her Majesty's Garrisons holding their Appointments as Rewards for Military Service in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-nine thousand Pounds, for defraying the Charge of the Pay of General Officers in Her Majesty's Forces, not being Colonels of Regiments, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Sixty-four thousand Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of Her Majesty's Forces, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Four hundred and fifty-seven thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of Her Majesty's Land Forces, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Fifty-five thousand nine hundred and twenty-five Pounds, for defraying the Charge for Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred forty thousand seven hundred and sixty Pounds, for defraying the Charge of Pensions to be paid to the Widows

public Military Departments;

13,606*l.* for Royal Military Asylum, &c.;

117,787*l.* for Volunteer Corps;

1,373*l.* for Services of former Years;

14,451*l.* for Rewards for distinguished Military Services;

89,000*l.* for certain General Officers;

64,000*l.* for Full Pay for Retired Officers;

457,000*l.* for Half Pay for Retired Officers;

55,925*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps;

140,760*l.* for Pensions to Widows;

Widows of Officers of the Land Forces, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive;

118,000*l.* for Compassionate List, &c.; and any Sum or Sums of Money not exceeding One hundred and eighteen thousand Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and Pensions, Gratuities, and Allowances to Officers for Wounds, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive;

1,239,498*l.* for *Chelsea* and *Kilmainham* Hospitals, &c.; and any Sum or Sums of Money not exceeding One million two hundred thirty-nine thousand four hundred and ninety-eight Pounds, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, of the Out-Pensioners of *Chelsea* Hospital, of Pensions granted to discharged Negro Soldiers, and of Pensioners from *Hanoverian* Corps which served with the *British* Army in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive;

41,000*l.* for Superannuations in Military Public Departments; and any Sum or Sums of Money not exceeding Forty-one thousand Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments, in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Military Public Departments in the United Kingdom of *Great Britain* and *Ireland*, from the First Day of *April* One thousand eight hundred and forty-three to the Thirty-first Day of *March* One thousand eight hundred and forty-four, both Days inclusive;

191,045*l.* for Commissariat Department; and any Sum or Sums of Money not exceeding One hundred ninety-one thousand and forty-five Pounds, to defray the Charge of the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

47,945*l.* for Half Pay of Commissariat Department; and any Sum or Sums of Money not exceeding Forty-seven thousand nine hundred and forty-five Pounds, to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

155,695*l.* for Disembodied Militia. and any Sum or Sums of Money not exceeding One hundred fifty-five thousand six hundred and ninety-five Pounds, to defray the Charge of the Disembodied Militia of *Great Britain* and *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four.

There shall be issued 1,849,142*l.* for Ordnance Services; viz.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million eight hundred forty-nine thousand one hundred and forty-two Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; (that is to say,)

124,861*l.* for Civil Establishments at the *Tower*, *Woolwich*, &c.; any Sum or Sums of Money not exceeding One hundred twenty-four thousand eight hundred and sixty-one Pounds, for defraying the Salaries of the Civil Establishments of the Office of Ordnance at the *Tower* and *Pall Mall*, at *Woolwich*, at the Out Stations in the United Kingdom, and at the Foreign Stations, for the Year One thousand eight hundred and forty-three—forty-four;

110,779*l.* for the Corps of Royal and any Sum or Sums of Money not exceeding One hundred ten thousand

thousand seven hundred and seventy-nine Pounds, for defraying the Expence of the Corps of Royal Engineers and Sappers and Miners, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding Three hundred forty-two thousand four hundred and sixty-seven Pounds, for defraying the Expence of the Royal Regiment of Artillery, for a Detachment of Royal *African* Gunners at *Jamaica*, the Royal Horse Artillery, *&c.*, the Master Gunners, the Field Train Department, the Medical Establishment, and the Royal Military Academy, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding Thirty-nine thousand four hundred and sixty-five Pounds, for defraying the Salaries to Barrack Masters, *&c.* in the United Kingdom and at Foreign Stations, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding Four hundred and five thousand one hundred and nineteen Pounds, for defraying the Charge for Ordnance Works and Repairs, and Pay of Clerks of Works, *&c.* in the United Kingdom and Colonies, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding One hundred ninety-four thousand eight hundred and six Pounds, for defraying the Expence of the Ordnance Surveys, Military and Civil Contingencies, and Army Extraordinaries transferred to the Ordnance, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding Two hundred and sixty-nine thousand Pounds, for defraying the Charge for Stores on account of Ordnance and Military Store Branch Services, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding One hundred sixty-seven thousand eight hundred and fifty-two Pounds, for defraying the Charge of the Office of Ordnance, on account of the Allowance to Superannuated, Retired, and Half Pay Officers, Pensions for good Services and Wounds, for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps, also Allowances, Compensations, and Emoluments in the Nature of Superannuated or Retired Allowances to Persons late belonging to the Office of Ordnance and to the Barrack Department, in respect to their having held any public Offices or Employments of a Civil Nature, and also for the Charge of Widows Pensions, for the Year One thousand eight hundred and forty-three—forty-four; and any Sum or Sums of Money not exceeding One hundred ninety-four thousand seven hundred and ninety-three Pounds, for defraying the Charges for Commissariat Supplies for the United Kingdom, for the Year One thousand eight hundred and forty-three—forty-four.

Engineers, and Sappers and Miners;

342,467*l.* for the Royal Regiment of Artillery, &c.;

39,465*l.* Salaries to Barrack Masters, &c.;

405,119*l.* for Ordnance Works, &c.;

194,806*l.* Surveys, Military and Civil Contingencies, &c.;

269,000*l.* Ordnance & Military Store Branch Services;

167,852*l.* for Ordnance Superannuations, Retired Allowances, Pensions, &c.;

194,793*l.* for Commissariat Supplies.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighteen millions one hundred eighty-two thousand one hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and forty-three unprovided for; and any Sum or Sums of Money not exceeding Five hundred thousand Pounds, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and forty-two, or for any preceding Year.

There shall be issued 18,182,100*l.* to pay off Exchequer Bills charged on the Aids of 1843;

500,000*l.* to discharge Supplies granted for 1842, &c.

There shall be issued 1,281,211*l.* for Holders of Opium surrendered in *China*, in *March* 1839;

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million two hundred eighty-one thousand two hundred and eleven Pounds, to make good to certain Holders of Opium, surrendered in *China* in *March* One thousand eight hundred and thirty-nine, the Amount of Compensation due to them under the Fourth Article of the Treaty of Peace with *China;* and any Sum or Sums of Money not exceeding Twenty-five thousand three hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Expences of the Service in *Canada* consequent upon the late Insurrection in that Colony; and any Sum or Sums of Money not exceeding Eight hundred twenty-one thousand and twenty Pounds, on account of the Expences of the Expedition to *China*.

25,300*l.* for Expences in *Canada;*

821,020*l.* for the Expedition to *China*.

There shall be issued 110,000*l.* for Civil Contingencies;

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and ten thousand Pounds, to defray the Charge of Civil Contingencies for the Year One thousand eight hundred and forty-three; and any Sum or Sums of Money not exceeding One hundred and five thousand six hundred and thirty-six Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Expence of Works and Repairs of Public Buildings, for Furniture, *&c.* for various Public Departments, and for certain Charges for lighting and watching and for Rates and Taxes, also for the Maintenance and Repairs of Royal Palaces, and Works in the Royal Gardens, formerly charged upon the Civil List; and any Sum or Sums of Money not exceeding Nine thousand five hundred and ninety Pounds, to defray the Expence of providing temporary Accommodation for the Houses of Parliament, Committee Rooms, Offices, and temporary official Residences for the Speaker of the House of Commons and other Officers of that House, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One hundred and forty thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Expence of the Works at the New Houses of Parliament; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, on account of the Works and Improvements in *Trafalgar Square;* and any Sum or Sums of Money not exceeding Four thousand one hundred and sixty-nine Pounds, to defray the Expences of *Holyhead* Harbour and the *Shrewsbury* and *Holyhead* Road, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-five thousand three hundred and seventy-six Pounds, to defray the Expence of maintaining and repairing the several Public Buildings in the Department of the Commissioners of Public Works in *Ireland*, also the Expence of Inland Navigation and other Services under the Direction of the said Commissioners, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or

105,636*l.* for Repairs of Public Buildings and Furniture of public Offices;

9,590*l.* for providing temporary Accommodation for Houses of Parliament;

140,000*l.* for New Houses of Parliament;

12,000*l.* for *Trafalgar Square;*

4,169*l.* for *Holyhead* Harbour, &c.;

25,376*l.* for Public Buildings, *Ireland;*

10,000*l.* for *Kingstown* Harbour;

Sums of Money not exceeding Five thousand Pounds, on account of Works carrying on upon the *Caledonian* Canal in the Year One thousand eight hundred and forty-three; and any Sum or Sums of Money not exceeding Four thousand five hundred Pounds, to defray the Charge of Repairs to the Harbour of *Port Patrick*.

5,000*l.* for *Caledonian* Canal; 4,500*l.* for *Port Patrick* Harbour.

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Sixty-seven thousand three hundred and fifty Pounds, to pay the Salaries and Expences of the Two Houses of Parliament, and Allowances to Retired Officers of the Two Houses, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Fifty-four thousand seven hundred Pounds, to pay the Salaries and Expences of the Department of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Eighteen thousand eight hundred Pounds, to pay the Salaries and Expences of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Seventy-eight thousand nine hundred and seventy-three Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and extra Couriers attached to that Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-two thousand eight hundred and fifty-seven Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-two thousand eight hundred Pounds, to pay the Salaries and Expences in the Departments of Her Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-five thousand four hundred and ninety-three Pounds, to defray the Charge of the Office of Her Majesty's Paymaster General, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Sixteen thousand four hundred and thirteen Pounds, to pay the Salaries and Expences in the Departments of the Comptroller General of the Exchequer, the Paymasters of Exchequer Bills, and the Paymaster of Civil Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Two thousand five hundred and fifty Pounds, to pay the Salaries and other Expences of the State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Three thousand two hundred Pounds, to pay the Salaries and Expences of the Ecclesiastical Commissioners for *England*, to the Thirty-first Day of

There shall be issued 67,350*l.* for both Houses of Parliament;

54,700*l.* for Salaries, &c. at the Treasury;

18,800*l.* for the Home Department;

78,973*l.* for Salaries, &c. in the Foreign Department;

22,857*l.* for the Colonial Department;

32,800*l.* for Salaries, &c. at the Privy Council, &c.,

2,000*l.* for Lord Privy Seal;

35,493*l.* for Office of Paymaster General;

16,413*l.* for Comptroller General of Exchequer, &c.,

2,550*l.* for State Paper Office;

3,200*l.* for Ecclesiastical Commissioners for *England*

of

56,508*l.* for the Poor Law Commissioners; of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Fifty-six thousand five hundred and eight Pounds, to pay the Salaries and Expences of the Commissioners for carrying into execution the Act for the Amendment of the Laws relating to the Poor in *England* and *Wales*, and the Act for the Relief of the Destitute Poor in *Ireland*, to the Thirty-first Day of

11,775*l.* for Public Records; *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Eleven thousand seven hundred and seventy-five Pounds, to pay the Salaries of Persons employed in the Care and Arrangement of the Public Records, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, and the Compensations to Keepers of Records and others whose Offices have been

8,800*l.* for Salaries, &c. of Factory Inspectors; abolished; and any Sum or Sums of Money not exceeding Eight thousand eight hundred Pounds, to pay the Salaries and Expences of the Inspectors and Superintendents of Factories, to the Thirty-first

1,815*l.* Salaries of Officers, *Scotland*, formerly paid from Hereditary Revenue; Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One thousand eight hundred and fifteen Pounds, to pay the Salaries of certain Officers in *Scotland*, and other Charges formerly paid from the Hereditary Revenue, to the Thirty-first Day of *March* One thousand eight hundred and forty-

6,464*l.* for Salaries of Lord Lieutenant's Household; four; and any Sum or Sums of Money not exceeding Six thousand four hundred and sixty-four Pounds, to pay the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, to the Thirty-first Day of *March* One thousand eight

21,376*l.* for Departments of Chief Secretary to Lord Lieutenant; hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-one thousand three hundred and seventy-six Pounds, to pay the Salaries and Expences of the Departments of the Chief Secretary to the Lord Lieutenant of *Ireland* in *Dublin* and *London*, and of Her Majesty's Privy Council in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-

4,937*l.* for Paymaster of Civil Services, *Ireland*; four; and any Sum or Sums of Money not exceeding Four thousand nine hundred and thirty-seven Pounds, to defray the Charge of the Office of the Paymaster of Civil Services in *Ireland*, to the Thirty-

2,400*l.* for Board of Public Works; first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Two thousand four hundred Pounds, to pay the Salaries of the Commissioners of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand

39,200*l.* for Foreign and Secret Services; eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-nine thousand two hundred Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-

232,533*l.* for Stationery, &c. for Government Departments; four; and any Sum or Sums of Money not exceeding Two hundred thirty-two thousand five hundred and thirty-three Pounds, to defray the Expences of providing Stationery, Printing, and Binding for the several Departments of Government in *England*, *Scotland*, *Ireland*, and the Colonies, and for providing Stationery, Binding, Printing, and Paper for printing for the Two Houses of Parliament, including the Expences of the Stationery Office, to the Thirty-first Day of *March*

4,950*l.* for Printing, &c. by Queen's Printers, *Ireland*; One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Four thousand nine hundred and fifty Pounds, to defray the Charge for Printing, *&c.* executed by the Queen's Printers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money

Money not exceeding Fifty thousand nine hundred and fifty-eight Pounds, to defray the Expenditure of the Mint, to the Thirty-first Day of *March* One thousand eight hundred and forty-four. 50,958*l.* for the Mint.

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eleven thousand three hundred Pounds, to pay Expences connected with the Prosecution of Offenders against the Laws relating to Gold and Silver Coin, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray, in the Year One thousand eight hundred and forty-three, certain Charges hitherto paid out of the County Rates; and any Sum or Sums of Money not exceeding Sixteen thousand eight hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Expences incurred by Sheriffs, to make good the Deficiency of the Fees in the Office of the Queen's Remembrancer in the Exchequer, to pay the Salaries and ancient Allowances of certain Officers of the Court of Exchequer, and the extra Expences to be incurred for a Winter Circuit of the Judges; and any Sum or Sums of Money not exceeding Twelve thousand five hundred Pounds, to defray the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the contingent Expences of the Court and Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, also the Expences attendant upon the Circuit; and any Sum or Sums of Money not exceeding Twenty-three thousand eight hundred and fifteen Pounds, to defray the Expences of the Prison for Juvenile Offenders at *Parkhurst* in the *Isle of Wight*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-five thousand eight hundred and fifty Pounds, to defray the Expences of the *Pentonville* Prison, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Nineteen thousand Pounds, to defray the Expences of the General Penitentiary, *Milbank*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Four thousand one hundred and twenty-two Pounds, to defray the Expences of confining and maintaining Criminal Lunatics in *Bethlem* Hospital, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Six thousand five hundred Pounds, to pay the Salaries and Expences of the Inspectors of Prisons, also the Salary of the Secretary to the Prison Board in *Scotland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Sixty-four thousand five hundred and thirty-five Pounds, to defray Law Expences in *Scotland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Sixty-one thousand four hundred and forty-nine Pounds, to defray the Expences of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not

There shall be issued 11,300*l.* for prosecuting Offenders against Laws relating to Coin;

130,000*l.* for Charges hitherto paid out of County Rates;

16,800*l.* for Expences of Sheriffs, and Salaries, &c. of Officers of the Exchequer;

12,500*l.* for Salaries, &c. of Officers of Insolvent Debtors Court;

23,815*l.* *Parkhurst* Prison;

25,850*l.* for *Pentonville* Prison;

19,000*l.* for Penitentiary, *Milbank*;

4,122*l.* for Criminal Lunatics;

6,500*l.* Inspectors of Prisons;

64,535*l.* for Law Expences, *Scotland*;

61,449*l.* for Law Expences, *Ireland*;

31,400*l.* for the Police of *Dublin*;

5,596*l.* for altering *Smithfield* Penitentiary, *Dublin*, &c.;

83,954*l.* for Convicts at home, *Bermuda*, and *Gibraltar*;

300,000*l.* for Convicts at *New South Wales*, &c.;

38,000*l.* Law Charges, &c.

exceeding Thirty-one thousand four hundred Pounds, towards defraying the Charge of the Public Offices and Metropolitan Police of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Five thousand five hundred and ninety-six Pounds, to defray the Charge of converting *Smithfield* Penitentiary, *Dublin*, into a Convict Depôt, and for Works and Repairs to the Constabulary Barrack in *Dublin*; and any Sum or Sums of Money not exceeding Eighty-three thousand nine hundred and fifty-four Pounds, to defray the Expences of the Convict Establishment at home, at *Bermuda*, and at *Gibraltar*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Three hundred thousand Pounds, to defray the Charge of the Maintenance, Custody, Superintendence, and Management of Convicts at *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-eight thousand Pounds to defray the Expences of Law Charges, and the Salaries, Allowances, and incidental Expences in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-four.

There shall be issued 50,000*l.* for Public Education;

50,000*l.* for Education, *Ireland*;

2,006*l.* for certain Professors, *Oxford* and *Cambridge*;

4,548*l.* for *London* University;

7,380*l.* for *Scottish* Universities;

8,928*l.* for Roman Catholic College, *Ireland*;

300*l.* for Royal *Irish* Academy;

300*l.* for Royal *Hibernian* Academy;

5,600*l.* for Royal *Dublin* Society;

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty thousand Pounds, for Public Education in *Great Britain*, in the Year One thousand eight hundred and forty-three; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to pay the Salaries and Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Four thousand five hundred and forty-eight Pounds, to defray the Expences of the University of *London*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Seven thousand three hundred and eighty Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, Grants to *Scottish* Universities, formerly defrayed from the Hereditary Revenues of the Crown; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and twenty-eight Pounds, towards defraying the Charge of the Roman Catholic College in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expences of the Royal *Irish* Academy, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expences of the Royal *Hibernian* Academy, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Five thousand six hundred Pounds, towards

defraying the Expences of the Royal *Dublin* Society, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One thousand nine hundred and fifty Pounds, towards defraying the Salaries and Expences of the Royal *Belfast* Academical Institution, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-two thousand five hundred and seventy-six Pounds, to defray the Charge of the *British Museum*, for the Year ending on the Twenty-fifth Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Thirty-seven thousand four hundred and eighty-five Pounds, to defray the Expences of new Buildings and Fittings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Five thousand two hundred and seventy-five Pounds, to enable the Trustees of the *British Museum* to purchase certain Collections for that Institution; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, for the Purchase of a Picture for the National Gallery, and for the Expences of the Gallery, in the Year One thousand eight hundred and forty-three; and any Sum or Sums of Money not exceeding Two thousand and eight Pounds, to defray the Expences of the Museum of Economic Geology, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expence of Magnetic Observatories at *Toronto*, *Saint Helena*, and the *Cape of Good Hope*, also for Observations and Services carrying on under the Direction of the Astronomer Royal, and for other scientific Works and Publications, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Four thousand four hundred and eleven Pounds, to defray the Expences of the School of Design and for Aid to Provincial Schools, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying, in the Year One thousand eight hundred and forty-three, the Cost of the Monuments to be erected to the Memory of Sir *Sydney Smith*, Lord *Exmouth*, and Lord *De Saumarez*, pursuant to the Addresses of the House of Commons of the Tenth Day of *August* One thousand eight hundred and forty-two.

1,950*l.* *Belfast* Academical Institution;

32,576*l.* for *British Museum*;

37,485*l.* for new Buildings at the *British Museum*;

5,275*l.* for purchasing Collections for *British Museum*;

1,600*l.* for National Gallery;

2,008*l.* for Museum of Economic Geology;

4,000*l.* for Observatories at *Toronto*, &c.;

4,411*l.* School of Design;

1,500*l.* for Monuments to the Memory of Sir *Sydney Smith*, &c.

XX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand four hundred and ten Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, and of the Lighthouses there; and any Sum or Sums of Money not exceeding Four thousand and forty-nine Pounds, to defray the Charge of the Civil Establishment of the *Bermudas*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Three thousand and seventy Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any

There shall be applied 3,410*l.* for Civil Establishment of the *Bahama Islands*, &c.;

4,049*l.* for ditto of the *Bermudas*;

3,070*l.* for ditto of *Prince Edward's Island*;

400*l.* for *Sable Island*, &c.; any Sum or Sums of Money not exceeding Four hundred Pounds, to defray the Expence of the Establishment at *Sable Island*, *Nova Scotia*, for the Relief of shipwrecked Persons, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum

13,680*l.* for Civil Establishment on the Western Coast of *Africa*; or Sums of Money not exceeding Thirteen thousand six hundred and eighty Pounds, to defray the Charges of the Civil Establishments on the Western Coast of *Africa*, to the Thirty-first Day of *March* One

11,500*l.* for *St. Helena*; thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Eleven thousand five hundred Pounds, to defray the Charge of the Civil Establishment of *Saint Helena*, and of Pensions and Allowances to the Civil and Military Officers of the *East India* Company's late Establishment in that Island, to the Thirty-first

7,785*l.* for *Western Australia*; Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Seven thousand seven hundred and eighty-five Pounds, to defray the Expence of the Settlement of *Western Australia*, to the Thirty-first Day of *March* One thousand

1,468*l.* for *Port Essington*; eight hundred and forty-four; and any Sum or Sums of Money not exceeding One thousand four hundred and sixty-eight Pounds, towards defraying the Charge of the Settlement at *Port Essington*;

4,350*l.* for the *Falkland Islands*; and any Sum or Sums of Money not exceeding Four thousand three hundred and fifty Pounds, to defray the Charge of the Government of the *Falkland Islands*, to the Thirty-first Day of *March* One

61,093*l.* for *New Zealand*; thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Sixty-one thousand and ninety-three Pounds,

1,023*l.* for *Heligoland*; to defray the Charge of the Colony of *New Zealand*; and any Sum or Sums of Money not exceeding One thousand and twenty-three Pounds, to defray the Expence of the Civil Establishment of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred

18,667*l.* for *West India* Colonies; and forty-four; and any Sum or Sums of Money not exceeding Eighteen thousand six hundred and sixty-seven Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others, in Her Majesty's *West India Colonies*, to the Thirty-first Day

12,190*l.* for *British North American* Provinces and *New Zealand*; of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twelve thousand one hundred and ninety Pounds, to defray the Charge of the Ecclesiastical Establishment of the *British North American* Provinces and *New Zealand*, to the Thirty-first Day of *March* One thousand eight hundred and forty-

18,895*l.* for *Indian* Department in *Canada*; four; and any Sum or Sums of Money not exceeding Eighteen thousand eight hundred and ninety-five Pounds, to defray the Charge of the *Indian* Department in *Canada*, to the Thirty-first Day of

11,286*l.* for Colonial Land and Emigration Board; *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and eighty-six Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Charge of the Colonial Land and Emigration Board, and other Expences connected with

49,700*l.* for Salaries, &c. of Justices in *West Indies*, &c; Emigration from this Country; and any Sum or Sums of Money not exceeding Forty-nine thousand seven hundred Pounds, to defray the Charge of the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the *West Indies*, *Mauritius*, and *Cape of Good Hope*, to the Thirty-first Day of *March* One thousand eight hundred and

18,000*l.* for Education of emancipated Negro Population; forty-four; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to defray such Expences as Her Majesty may incur, in the Year One thousand eight hundred and forty-three, in aiding

local

local Legislatures in providing for the religious and moral Instruction of the emancipated Negro Population; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray Expences incurred for the Support of captured Negroes and liberated *Africans*, under the Acts for the Abolition of the Slave Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Twenty-three thousand Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Salaries and incidental Expences of the Commissions established on the Part of Her Majesty under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding One hundred and four thousand seven hundred and seventy Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Charge of the Salaries of Her Majesty's Consuls General, Consuls, and Vice Consuls abroad, also the contingent Expences of such Consuls General, Consuls, and Vice Consuls; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to pay Bills drawn from *South Australia* for Expences incurred for the Relief of destitute Emigrants.

35,000*l.* Support of captured Negroes, &c.;

23,000*l.* for Commissions for suppressing the Slave Trade;

104,770*l.* for Salaries of Consuls, &c.;

3,500*l.* for Bills drawn from *South Australia*.

XXI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty-one thousand three hundred Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Offices or Departments, or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Six thousand seven hundred Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers Widows, *Saint Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from Her Majesty, and who, for Services performed or Losses sustained in the *British* Service, have special Claims on Her Majesty's Justice and Liberality; and any Sum or Sums of Money not exceeding One thousand eight hundred and fifty Pounds, to defray the Expence of the National Vaccine Institution, for the Year One thousand eight hundred and forty-three; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards the Support of the Refuge for the Destitute, for the Year One thousand eight hundred and forty-three; and any Sum or Sums of Money not exceeding Twelve thousand six hundred Pounds, for Payment of the Subsistence of the *Polish* Refugees and Allowances to distressed *Spaniards*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Four thousand eight hundred and forty Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the usual Allowances to Protestant Dissenting Ministers in *England*, Poor *French* Protestant Refugee Clergy, Poor *French* Refugee Laity, and other Charges formerly defrayed from the Civil List, the Hereditary Revenue, &c.; and any Sum or Sums of Money not exceeding Two thousand one hundred and fifty-

There shall be issued 81,300*l.* for Retired Allowances to Public Officers;

6,700*l.* for *Toulonese* and *Corsican* Emigrants, &c.;

1,850*l.* for National Vaccine Institution;

3,000*l.* Refuge for Destitute;

12,600*l.* for *Polish* Refugees, &c.;

4,840*l.* for Protestant Dissenting Ministers, &c.;

2,154*l.* for Charities, &c., *Scotland*;

fifty-four Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, Charities, Bounties, and other Charges in *Scotland*, formerly defrayed from the Hereditary Revenue;

7,597*l.* for Foundling Hospital, *Dublin*;

and any Sum or Sums of Money not exceeding Seven thousand five hundred and ninety-seven Pounds, to defray the Expence of the Foundling Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

13,973*l.* for H. of Industry, *Dublin*;

and any Sum or Sums of Money not exceeding Thirteen thousand nine hundred and seventy-three Pounds, to defray the Expence of the House of Industry, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

1,000*l.* for Female Orphan House;

and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expence of the Female Orphan House, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

2,500*l.* for *Westmoreland* Lock Hospital;

and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards defraying the Expence of the *Westmoreland* Lock Hospital, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

1,000*l.* for Lying-in Hospital, *Dublin*;

and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expence of the Lying-in Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

1,500*l.* for Dr. *Stevens'* Hospital;

and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expence of Doctor *Stevens'* Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

3,000*l.* for Fever Hospital, &c., *Dublin*;

and any Sum or Sums of Money not exceeding Three thousand Pounds, towards defraying the Expence of the House of Recovery and Fever Hospital, *Cork Street*, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

500*l.* Hospital for Incurables;

and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expence of the Hospital for Incurables, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

700*l.* for Charitable Donations, *Ireland*;

and any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Salaries and Expences of the Commissioners of Charitable Donations and Bequests in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

35,630*l.* for Protestant Dissenting Ministers, *Ireland*;

and any Sum or Sums of Money not exceeding Thirty-five thousand six hundred and thirty Pounds, to defray the Expence of Non-conforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four;

7,475*l.* for Charitable Allowances, *Ireland*.

and any Sum or Sums of Money not exceeding Seven thousand four hundred and seventy-five Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, Charitable Allowances charged on the Concordatum Fund and other Allowances and Bounties in *Ireland*.

There shall be applied 650*l.* for Inquiry into Condition of Miners in *Warwick*, &c.;

XXII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six hundred and fifty Pounds, to defray the Expence of a Special Inquiry into the Condition of Persons employed in Mines in the Counties of *Warwick*, *Worcester*, *Stafford*, and *Salop*;

5,000*l.* Survey of *Ireland*;

and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money

Money not exceeding Three thousand four hundred and twenty-one Pounds, to defray the Salaries and Expences of the Commissioners for the Improvement of the River *Shannon*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Three thousand eight hundred and ninety-two Pounds, to defray the Expence of Works and Repairs to the *British* Ambassador's House at *Paris*; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards defraying the Expence of rebuilding the *British* Ambassador's House at *Constantinople*; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, towards defraying the Expences of Steam Communication to *India* by way of the *Red Sea*, to the Thirty-first Day of *March* One thousand eight hundred and forty-four; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Expence of the Commission appointed to inquire into the best Mode of preserving the Public Health; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-four, the Expence of the Commission appointed to inquire into the practical Operation of the Poor Laws in *Scotland*; and any Sum or Sums of Money not exceeding Four thousand nine hundred and three Pounds Sixteen Shillings and Five-pence, to pay the Interest due to the respective Holders of certain forged Exchequer Bills in respect of which Indemnity has been granted.

3,421*l.* for Improvement of the River *Shannon*,

3,892*l.* for *British* Ambassador's House at Paris,

10,000*l.* for *British* Ambassador's House at *Constantinople*,

50,000*l.* for Steam to *India*;

5,000*l.* for Commission for Public Health;

7,000*l.* for Commission for Poor Laws, *Scotland*;

4,903*l.* 16*s.* 5*d.* for Interest to Holders of forged Exchequer Bills.

XXIII. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts, of this Session of Parliament.

Supplies to be applied only for the Purposes aforesaid.

XXIV. And as to the Sum of Four hundred and fifty-seven thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer;

Rules to be observed in the Application of the Sum appropriated to Half Pay.

Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and forty-three, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive

his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or a Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and forty-four it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officers appointed to Civil Office or Employment under Her Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, or any Three or more of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of *April*, if Parliament shall be then sitting, or if Parliament shall not then be sitting on the First Day of the Sitting of Parliament after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXV. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emoluments, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXVI. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-two*,

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, with-

out the Oaths having been taken as required, indemnified. 7 & 6 Vict. c. 121.

two, and to appropriate the Supplies granted in this Session of Parliament, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths or Declarations prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies has been paid to Officers claiming or entitled to Half Pay who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland*, and it is expedient that all such Persons should be indemnified; be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay or Payment for or in respect of such Half Pay shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated in respect thereof, in all Accounts relating to such Issues and Payments; any thing in any Act or Acts, or any Laws, Rules, or Regulations, relating to issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to the Officers of the *Manx* Fencibles.

XXVII. And whereas the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay, and it is therefore expedient that Provision should be now made for the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such

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